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ABSTRACT

The purpose of this hearing was to obtain the input of California citizens on federal legislation similar to 1998's California Bilingual Education ballot initiative. Present were Representatives Frank Riggs (chair), Bobby Scott, Randy Cunningham, Bob Filner, and Brian Bilbray. Offering testimony generally in support of bilingual education, or at least the option of it, were Dr. Eugene Garcia, Dean of the Graduate School of Education at the University of California at Berkeley; and Celia Ruiz, an attorney representing four California school districts. Dr. Garcia based his support for bilingual education on the conclusions of a number of government and academic studies showing overall positive effects of bilingual education. Ms. Ruiz focused her testimony not on the merits or drawbacks of bilingual education but on a defense of the legal process that federal law has created to allow school districts to choose from a range of educational options, from English immersion to long-term bilingual education programs. Cathy Liska, a teacher from Anaheim, California, and George S. Louie, a parent of a child placed in a bilingual education setting from Oakland, California, spoke against bilingual education. Mr. Louie's child had very negative experiences. Ms. Liska's experience as an elementary school teacher with first-hand classroom experience of bilingual education has convinced her it does not serve limited-English-speaking students well and should be ended. (KFT)

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ED 436 974

BILINGUAL EDUCATION REFORM

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD, YOUTH AND FAMILIES

OF THE

COMMITTEE ON EDUCATION AND THE WORKFORCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

HEARING HELD IN SAN DIEGO, CA, FEBRUARY 18, 1998

Serial No. 105–75

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HEARING ON BILINGUAL EDUCATION REFORM

Wednesday, February 18, 1998
Subcommittee on Early Childhood, Youth,
and Families,
Committee on Education and the Workforce,
House of Representatives,
Washington, D.C.

The subcommittee met, pursuant to call, at 2:00 p.m., in the City Administration Building, San Diego, California, the Hon. Frank D. Riggs [chairman of the subcommittee] presiding.

Present: Representatives Riggs and Scott.

Also Present: Representatives McKeon, Cunningham, Bilbray and Filner.

Staff Present: Lynn Selmser, Professional Staff Member; Andrea Weiss, Legislative Assistant; and Alex Nock, Legislative Associate.

OPENING STATEMENT OF THE HON. FRANK RIGGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. **Riggs**. Good afternoon, ladies and gentlemen. I would like to call this hearing of the House Subcommittee on Early Childhood Youth and Families to order.

My name is Frank Riggs. I represent the First District of California, and I chair this subcommittee, and today we are very happy to be here in San Diego during a break in the El Nino storm pattern to have a hearing on Bilingual Education reform.

We are specifically interested in getting the input of California citizens on legislation that we are considering crafting and deliberating in the Congress later this year that may, in certain respects, be compatible with, or similar to the California Bilingual Education initiative on the June ballot.

So I want to welcome each of you to today's hearing. We recognize that this is obviously a very topical issue in California, and that it is of particular interest to the families of non-English speaking or limited English speaking children.

The success of every new wave of immigrants coming to the United States in search of the American Dream has always been dependent on several factors, but primarily their willingness to work hard and to assimilate into the mainstream of

American life.

I do not need to tell you what you already know, which is that that ability to assimilate into the mainstream is critically dependent upon the ability to learn and to demonstrate an everyday mastery of the English language.

Over the years, a variety of programs have been established to help American citizens gain the English language skills that they need in order to succeed and to live as productive citizens. Immigrants have successfully sought out these services.

For example, over 40 percent of entrants into adult education classes are individuals seeking to learn the English language, and we have recognized in the education field that it is much easier to help adults. Many immigrant family members already have completed their basic education and only need to learn English to continue their schooling or to obtain a job.

For children, it is a very different story. If they come to our country when they are ready to enter school, they have 12 years of education before them, and much of their ability to succeed in school is dependent on their ability to read and write and speak and think in English.

In fact, I just want to add that yesterday our subcommittee held a field hearing in East Los Angeles on technology, and training in technology, and how critically important technology is becoming in education today. That was underscored by an article that appeared in yesterday's USA Today newspaper with the headline ``Growth in Good Paying Jobs Better Than Predicted." It talked about the fact that the booming economy is continuing to create more and more jobs in IT, information technology, and in fact, we have, as we discussed yesterday at our hearing, hundreds of thousands of jobs unfilled in our economy now that require some computer literacy skills and technologically capable workers.

So we have a very real concern that obviously someone who is not able to learn at their peer level or grade level, who is falling behind, who has not yet been able to master the English language, will be left behind in this kind of high growth, high technology economy.

The problem of children not learning English is one that we have attempted to address in a variety of ways in government at all levels, and we have been asking the question for years whether the right way to teach children English is to give them all or part of their basic instruction in the core academic subjects in their native language. That also then begs the question of how are they being taught English.

We also have been spending a lot of money on Bilingual Education, a lot of your money, federal taxpayer funding for Bilingual Education, and we are here today to examine the effectiveness of that spending, particularly when that money is matched with state and local money for Bilingual Education.

Bilingual Education classes are intended to keep children current in their other academic subjects while learning English so that they will not fall too far behind or end up dropping out of school. However, statistics reveal, and this is, again, something that we discussed at our subcommittee field hearing yesterday, that nationally over one-third of Hispanic students do not complete high school. The figure jumps to 50 percent in California, and that is simply unacceptable.

Again, it underscores the fact that we are leaving too many of our young people behind. They become the have-nots of tomorrow, and for them, for our society, our nation, it is a great challenge to address this problem, but for them, the have-nots of tomorrow, it is a personal tragedy.

The parents of these children did not bring them to our country to be neglected or to be relegated to low paying jobs. They brought them here to have all the opportunity that every other American child has. They want their children to have the opportunity to become doctors, lawyers, teachers, politicians, whatever that child's dream may be, wherever that child's aptitude and attitude may take them.

I am very concerned about the consequences of isolating children who are not fluent in English. Children who cannot communicate well with their English speaking peers are all too often the same children who are at risk of or already engaged in criminal or delinquent behavior. They are sometimes the children who join gangs simply to find a place where they can belong because they do not feel that they belong in school.

And I can tell you as a former police officer and deputy sheriff, I have seen first hand the many dangers of gang involvement. So we want to give these children other alternatives.

We are working on legislation back in Washington now. The House bill 1818, the Juvenile Crime Control and Delinquency Prevention Act, is tough on punishment, but smart on prevention, and this legislation, I hope, will become law this year before this Congress finishes its work.

I am also concerned that many schools are ignoring the wishes of parents regarding the participation of their children in Bilingual Education classes. For example, it took Erica Valesquez two years to have her son, who was fluent in both English and Spanish, removed from a class for Spanish speakers. His elementary school was preventing her son Tony from mainstreaming into a regular classroom and confusing him as to what language he was to be using. All this against the wishes of his parent.

In my view, the major focus of any class for limited English speaking children should be the attainment of English language skills they need to mainstream into regular classrooms as soon as possible. Let me just say unequivocally, emphatically, that that means that every child entering the public school system should be able to read and write in English by the end of the first grade, which is the common and commercial language of our country.

While traditional Bilingual Education may work for some children, it has not proven itself to be the most effective solution for most children. I think that is what has given rise to the momentum behind the California Bilingual Education initiative on the June ballot.

So it is very timely to review and reform the current Federal Bilingual Education Act. Later in our hearing, particularly when we get to our witnesses and have an opportunity for give and take, I will be discussing some of the parameters and provisions of legislation that we are currently drafting back in Washington to reform the Bilingual Education Act.

But I do want to stress that this legislation would give states, local communities, and, most importantly, parents the right to select the method of English language instruction most appropriate for their children.

I note today's witnesses, including a very special witness who is sitting over here, a very young and special witness, have a great deal to say about the role of the federal government in California's current Bilingual Education program, and I look forward to hearing their testimony.

SEE APPENDIX A FOR WRITTEN STATEMENT OF CHAIRMAN FRANK RIGGS

Mr. **Riggs**. I would also like to note for the record that we are very pleased to be joined by three of our colleagues today. To my right is Congressman Buck McKeon, who is the Chairman of the Postsecondary Education Committee in the House of Representatives and who represents a portion of Los Angeles County.

To his right is a man who needs no introduction here, Randy Duke Cunningham, San Diego area Congressman and my immediate predecessor as the chairman of this subcommittee.

To my left is the Ranking Member of the Subcommittee today, Congressman Bobby Scott from Virginia.

And to his left is San Diego Congressman Bob Filner. We are delighted to have Congressman Filner, Congressman Cunningham, and Congressman McKeon join us today.

I will now turn to my colleagues for any opening comments that they would like to make, starting first by recognizing Congressman Scott.

OPENING STATEMENT OF THE HON. ROBERT C. SCOTT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. **Scott**. Thank you, Mr. Chairman, and good afternoon.

I am pleased to join Chairman Riggs and Representative McKeon in San Diego, and especially pleased to be in the district represented by Representative Filner and Representative Cunningham. I want to thank both of them for their hospitality, and I also appreciate the opportunity to bring much needed Virginia weather to Southern California.

Mr. **Riggs**. You are going to take credit for that?

Mr. **Scott**. I will take credit. I get blamed for a lot of things that I did not have anything to do with, so I will take credit for things I did not have anything to do with.

I know all of us look forward to hearing the perspective of today's witnesses.

Bilingual Education has been practiced for nearly 200 years in America, enabling millions of Americans to have access to an education. Unfortunately, Bilingual Education has recently come under fire, but as we discuss this issue, I would hope that we will not waste time debating whether students should learn English as quickly as possible.

Of course they should. Everybody knows that a student's future opportunity will be severely limited in America if he or she fails to master the English language. Therefore, our discussion ought to be focused on the best strategies available to insure access to a sound education for those in our country who are limited English proficient.

Bilingual is presently practiced here in California and throughout the nation in nearly all school systems around the country. This means that limited English proficient Bilingual Education students receive part of their instruction in English and part in another language. Often a significant portion of their day is devoted to English as a second language instruction in which the students receive intensive assistance in learning English.

Other classes teach content areas, like math, sciences, social studies, through a mix of English and their native language or in their native language alone. This enables the LEP child to advance through the regular curriculum, while at the same time mastering the English language.

Numerous studies have found that it takes five to seven years for a non-English speaking child to master academic English or English necessary to obtain employment in our increasingly competitive society. Too often this fact is forgotten. Without Bilingual Education, our limited English proficient students will be ill served by school systems and left behind to become society's problems.

Denying an individual his or her equal opportunity to an education simply because he or she cannot speak English is wrong.

Furthermore, I believe that we need to remember the modern impetus behind Bilingual Education. In 1974, the Supreme Court in Lysle v. Nickols found that placing non-English speaking students in regular classrooms violated the equal protection provisions of the 1964 Civil Rights Act, and that special assistance must be provided to such students to give them access to an equal educational opportunity. We should not lose sight of this important fact.

Both our committee deliberations and those of the American people must keep the civil rights roots of Bilingual Education in mind. So let's not ignore years of research, as well as the equal opportunity imperatives, as we discuss the issue of Bilingual Education.

Thank you, Mr. Chairman.

Mr. **Riggs**. Thank you, Congressman Scott.

Congressman McKeon, would you like to make an opening statement?

Mr. **McKeon**. No, Mr. Chairman. I am just glad that Bobby brought the weather out here, and I appreciate it.

Mr. **Riggs**. We are glad you are here, and obviously any legislation that we work on or that originates in this committee will be coordinated very closely with Congressman McKeon and his Subcommittee on Postsecondary Education because there is obviously a continuum there, a coordination that will be necessary in terms of all federal Bilingual Education programs involving not just children, but adults as well.

Congressman Cunningham, would you like to make an opening statement?

OPENING STATEMENT OF THE HON. RANDY CUNNINGHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. **Cunningham**. Thank you.

Chairman **Riggs**, Subcommittee, distinguished witnesses, I would like to thank you and welcome you. I say Bobby. We served on the same committee for years, and I think one of the best compliments I have ever had is even just as early as last week, I think you mentioned that, ``Duke, thank you for the chairmanship on the Committee. At least you care about kids and children."

You know we worked pretty much in that direction as bipartisan as we could within the limits of our politics. We tried to operate as much as we could on a bipartisan basis.

I would like to introduce you, Bobby, to my wife, who I just spotted in the back, Dr. Nancy Cunningham, who is a principal in an elementary school. She has a Doctorate in Education. She has a Master's in early childhood education. She has a Master's in business, and she is also bilingual in Spanish, as are both of my daughters.

Nance, Dr. Cunningham. She is in the back there.

So I take a lot of guidance from her, and I would say, Mr. Scott, Congressman Scott, in your opening statement you said, ``I would hope that this is about English," and it is, and how do we get as many children as we can get to English?

But I would also make a statement, and I think you would agree with it, that education in this country should be the foundation for almost everything-- public education-- because that is where most of our students go.

But if you take a look, in many, many cases in our inner cities, we failed in a lot of different areas, and we need to change that. It is just not how fast we learn English, but how fast do we learn math, and how well? And the tools that we can give to our children to carry on so that they can survive, and I think in many, many cases we have sold education short as Members of Congress. Instead of giving them the resources from which families and teachers and parents and the community can make those decisions the bureaucracies in Washington, D.C., have tried social and a political agendas, which have not been fruitful for our children.

As you know, I have really got two passions. One is national security, and the other is education. If you take a look, both of those go hand in hand, just like anti-crime, anti-welfare. All of those things are tied, I think, and that is why I say the foundation of this country is tied to education.

The ship of our policy is education, public education, but the wind in its sail is English, and quite too often I would ask my colleagues to take a look at our inner cities. Have things gotten better? Have they gotten more restrictive? Do we have more and more people locked out of the gold rush, the new gold rush in this country today?

I think so. They are kept out because they cannot communicate.

When I was Chairman, I made a statement. I said if I was going to move to the former Soviet Union, I would want my children to know Russian better than they know English. I would want them to know English well, and I would not want them to forget their roots.

There is a saying that says if you are multilingual, you are European. If you are bilingual, you are Asian, and if you are monolingual, you are an American.

That is just wrong. I encourage both of my daughters. They are fluent in Spanish. Now, they are working on Dad. They work in California and the border states. I think they should.

But that kind of a focus and how best to get there, I think, is very important, as well, but I think in many cases of a political agenda that we have locked out our Latinos, our Filipinos.

I was in the Philippines. Tagalig is their national language. Tagalig has no root words in science and math, and I told President Ramos that I think that they were doing themselves a disservice. That they needed to be able to communicate in ways that would prepare their children for the jobs of the 21st century. They were last among the 15 industrialized nations in math and science.

California was put 50th in literacy of all the nations, 50th.

Now, you take a look. The President wanted $3 billion for a new literacy program, and you say, ``Well, we are 50 in literacy. That is good."

But with that comes another bureaucracy which takes the money away from the schools and the teachers and the construction and everything else that we need to get down to the classroom.

What is wrong? We have 14 literacy programs in the federal government. One of those is Title I. What is wrong with taking one or two, regardless of what side of the issue you come down on, but what is wrong with taking one or two of those literacy programs and not just fully funding them, but increasing the funding and getting rid of the rest of the bureaucracy that is keeping our kids locked out?

And I would look, you know, into the future.

Was that a time limit there, Frank?

Mr. **Riggs**. No, just my pager going off.

Mr. **Cunningham**. Thank you.

Mr. **Riggs**. But let your conscience be your guide.

Mr. **Cunningham**. I am not reaching for my gun.

We had hearings in which a lady from India testified in the 104th Congress, and she said, ``Duke, I had a babysitter come over." She came from India. She was fluent in Hindi, and her children did not speak English.

And the babysitter started speaking to the children in Hindi, and she says, ``No, I want you to talk to them in English."

She said, ``But they do not understand English."

And she said, ``That is the whole point. If we do not communicate to our children in the language in which they are going to have to survive,"and you know, by the end of the night those children could at least do the minimum and the basics, and her children are both doctors today.

And we take another look. She said in India that they have a multitude of dialects, and when the English were there, the national language was English, and when the English left, they went back to the hundreds of dialects, and the people were lost. That is where you have more conflict because they cannot communicate.

So it is not just that they can learn English well, but how do we get there? What resources do we give to the classrooms? And what do we give to the unions, who oppose this? What do we give to the politicians who want more power in Washington, D.C.? What about the activists that want the power of the unions and the power back in Washington, D.C., or yet even the legitimate reason that people are frightened of change?

You try and change something, and people have a basic fear of it, but where that change comes from the people themselves, and if you would like to take a look at this initiative. I want to compliment you, Chairman Riggs, more than two-thirds of the people in the State of California support it because they want their children to have a first. They want the wind in their sails for their ships to be English, and they want the root of that in public education.

I want to thank you, Mr. Chairman, and my colleagues, Bobby Scott and Bob Filner and Buck McKeon.

And with that I yield the balance of my time.

Mr. **Riggs**. Thank you very much, Congressman Cunningham, for some very, very cogent and insightful remarks.

We are very happy to have Dr. Cunningham join us.

And we now turn to Congressman Bob Filner for any opening comments that he would like to make.

OPENING STATEMENT OF THE HON. BOB FILNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. **Filner**. Thank you, Mr. Chairman, and I do appreciate your graciousness for allowing those of us not on your committee to be here, especially for me, sitting in the very seat I sat in for five years as a member of the San Diego City Council from District 8.

And, Mr. Chairman, I wish I could be as gracious as you in welcoming you to San Diego, but I cannot be, and let me just briefly explain why.

I would like to welcome you to this hearing about an issue which is very important, the opening statements from all of my colleagues showed how important it is, regardless of what side of the issue you are on. It is an important debate, but it should be a fair debate.

As I looked at the witness list, it was five to one stacked against those who are for this initiative, against one who was opposed, as I understood it. In fact, I only heard about this hearing because people called me, people who were prevented from speaking here today by the staff and the chairman of this committee.

So this is not a fair hearing. It is stacked on one side, and people who would liked to have spoken against this proposition were not allowed to.

[Applause.]

Mr. **Filner**. In addition, Mr. Chairman, I know you as a consistent and well meaning fiscal conservative. I am very disappointed that you would use the resources of the United States Congress ostensibly to hold a hearing about a subject that needs debate.

And yet a couple of days after you announced your intention to run for the Senate, Northern California just coincidentally holds field hearings in Los Angeles and San Diego on issues that are in this case very divisive, I think, in just a political attempt to get attention for your campaign. I am very disappointed in that, Mr. Chairman.

[Applause.]

Mr. **Filner**. So I would like to welcome you to San Diego, but I would like to welcome you in a situation where there was a fair discussion in which this was not politicized and in which we can discuss Bilingual Education in a fair way.

Mr. **Cunningham** gave a very eloquent statement, I thought, of the need for bilingualism. Yet the initiative that is under discussion here says basically English only. We should all be bilingual. Bilingual should be a positive and important attribute of all students in California, and whatever the two languages or three or four, we should all have two or three or four.

I noticed you stumbling over some words that were not English in your own opening remarks. We should all be fluent as best as we can be in as many languages as possible. So I guess we have to have the hearing under the rules you set up, but I just wanted to say for the record, from a San Diegan whose district is going to be more affected by this initiative than any other, let's have a fair debate. And let's not combine it with a partisan attempt for higher office while you are doing that.

[Applause.]

Mr. **McKeon**. Mr. Chairman.

Mr. **Riggs**. Congressman McKeon.

Mr. **McKeon**. You know, I really resent Mr. Filner's injecting partisanship into this debate, and maybe some of you who have not attended congressional hearings or if you have, know that we have a certain order that we respect however we feel, and, Mr. Chairman, I think that we should have regular order in this meeting.

In Washington, we do not have applause from the audience, and we have certain respect the way we run our meetings, and I just am really disappointed, Mr. Filner, that you would inject partisanship.

I do not think you scheduled these hearings at the last minute. I think, I am not on this subcommittee, but I think this hearing was scheduled long before any announcement that Mr. Riggs made for higher office, and I just think that that is unfair.

Mr. **Riggs**. Thank you

Mr. **Cunningham**. Mr. Riggs.

Mr. **Riggs**. Congressman, McKeon--yes, Congressman Cunningham.

Mr. **Cunningham**. I would also like to bring out the point that I was here, unlike my colleagues, when the Democrats were in the majority. They have more representatives on every committee than we were allowed in every single one of the committees. That is authorization and appropriations.

I also note that the ratio of witnesses that you have provided is better than in many cases what we got under when the Democrats had control.

Now, they want it all changed around. Well, I am sorry.

So we are operating under the rules of the House, and that is the way that this will be conducted. My colleague from the other side owes his entire political campaign to the unions, and it is not unnecessary or it is unnecessary for his partisan statements.

Thank you.

Mr. **Riggs**. Gentlemen, I would like to get the focus back on the subject of today's hearing, and I also would like to welcome and introduce the other member of the San Diego area congressional delegation. I said the other member. Of course, our colleague Duncan Hunter is not here, but we are delighted to be joined by Congressman Brian Bilbray, who also obviously was involved for a number of years in San Diego local government.

Brian, thank you for being here. You are recognized for any opening statement you would like to make.

OPENING STATEMENT OF THE HON. BRIAN BILBRAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. **Bilbray**. Yes, Mr. Chairman. I would like to welcome you to San Diego where California began and, frankly, where a lot of innovative reforms and progressive thoughts have sprung forth and spread throughout this state.

Many people get uncomfortable with questioning our historical positions on a lot of stuff, and I would ask my colleagues that it may be an election year, but let's try to focus on the issue that we can always do better or at least we should believe that if we work together we can do better.

And as somebody who not only represents the San Diego region, but as somebody who was born and raised and some people might say partially educated in the border region, let me assure you we can do better. And I think that the frustration that Mr. Filner has with what is called the public hearing in the congressional rules is obvious to all of us that function at a local government level, and saw that a public hearing was where the public got to openly and freely and actively participate in the process.

In Washington, a public hearing is really a hearing in public, but I would remind all of my colleagues that is a procedure that has been around a long time, long before Mr. Riggs became chairman, and long before I arrived or the rest of us arrived in Congress.

So to try to blame one member, one or the other by the process, one or the other, all I have got to say is it is a good example of what goes around comes around; that it was made under one leadership. The leadership has adopted rules, and I still think I do not like it. There are a lot of things I do not like. I do not like the way Washington operates, and one of them is the way they call these public hearings. The other is the partisan bickering about every issue, just trying to find a partisan angle on it.

Let me just say as somebody who was educated in an environment where Spanish and English and Talagig and many other languages were discussed in the educational system, I think there has been a frustration for a lot of us that there is a mixing of terminologies. Where does Bilingual Education start and English as a second language begin?

And I think it is a legitimate issue that we have to talk about. You know, some people are talking bilingual. Some are talking about English as a second language, and I think that one of the things we have got to talk about is, is English a second language or should it be a second language in any part of the United States? Should it be to the Cajuns down in my wife's part of the world, Louisiana? Should it be here in San Diego or in Miami, or should English be the common language and the major language with hopefully other languages being added in much like you have in Northern California, the different additions of not only Spanish, but also Asian languages?

But I think there are problems we ought to be willing to admit. The grand jury report that was released a few years ago here in San Diego County pointed out the gross deficiencies that we have had in our educational system in the working class neighborhoods where children are basically being kept from being bilingual by restricting their ability to be proficient in English, and I think that is something that the grand jury documented. It was something that everybody said we have to address.

And I would refer that grand jury report to you for consideration.

The other issue is we are talking about human beings here, and there may be agendas from one side or the other side of where you want to go with this issue, but let me remind you we are talking about children. We are talking about the ability of children to be able to function not just in their own community, but in their future and in the communities that may be evolving today and will be what our children are looking forward to living in.

One thing that strikes very close to home for me is how good intentions may have terrible repercussions and create resentments. My own secretary here in San Diego

County happens to be a Latina, and the day that her child was sent home with Spanish homework, she was infuriated by the entire thing, called me up very upset wanting to know how she could hold accountable the education system to the fact that her child is being sent home with Spanish homework under the assumption that because he is an ``estrada" that somehow he should know it.

Now, she is very fluent in Spanish, but she has chosen not to have her children fluent in Spanish. That is a choice she made. Well, why should the assumption be made that because of the ethnic background of a child that we somehow are going to assume that the linguistic skills are going to always come down to stereotypes?

I think that we ought to be open about this, and the real key is to be able to make sure our children's future is bright.

I purposely encourage my children to try to be bilingual. There is a family tradition here. You try to send them down into inner Mexico or send them where they can get as much saturation of Spanish as possible. It is one of those advantages you have when you have got a lot of communication both socially and culturally across the border.

But I think that there is a common denominator here we all have to agree with, that English is essential not just in this country, but around the world, and I would quote Ambassador Herzog of Mexico, who made the point to me just before he left his post that even in Mexico City, they find it essential for their children to learn English if they want their children to be successful and prosperous in the business community of the world.

It is not an American thing now. It is a global issue, and the best way is to be able to have as many languages as you can, and there are a lot of people who can pick up those skills quickly, and we ought to encourage that. But there are a lot of us, myself included, that need to have the basic skills of being able to communicate in English, and we have got to remember how essential that is.

And the frustration I have, and Bob Filner points it out all the time when I misuse the English language, is the fact that I wish I was bilingual, but I have got to be monolingual first.

I think that we need to recognize that the goal should be to make sure that all children can function in the language of the nation and the world, which is English. And the fact is that the family language or the historical language of a culture always has been and always will be one of those things that is an added plus on the foundation.

I ask that we concentrate. We need to build that foundation of a common language, but it does not mean we have to attack the concept that English is the only language, but it is our meeting place, and I think to call it Spanish, Vietnamese, Chinese, these are all things that add to the entire pyramid of successes that we call California, but it still has to be built on that common ground that we all share. The foundation that is called the English language, which is where we all kind of meet to be able to do the people's business.

I hope that we do not see any time in the future a mother having to tell her child why he or she was given something in a language that they did not understand specifically because of the color of their skin, and I think we should be as outraged at that as anybody, and I think it shows insensitivity is a two-way street. The system needs to be more sensitive to a lot of people from one angle, but we also should not make those gross assumptions and those stereotypes that leave mothers and children frustrated.

I would like to welcome you again here to San Diego. I think you will find the discussion dynamic, brisk and frank, but, again, we have been on the cutting edge of progressive change in the past, and being on the cutting edge does mean that sometimes you run into the rough parts of it, as I think that our colleagues here have already shown.

Thank you, Mr. Chairman.

Mr. **Riggs**. Thank you, Congressman Bilbray, and we, again, very much appreciate your participation and contribution today.

Let me say just for the record, ladies and gentlemen, that I respect Congressman Filner. He is certainly entitled as an elected official in his own right to his opinions.

However, as Congressman McKeon pointed out, this hearing has been scheduled for some time. I hope it does not become another partisan political football. I have tried in the year and a half that I have chaired the Education Subcommittee in the House of Representatives to be as nonpartisan or as bipartisan as possible because I really believe that, as the President has said, partisan politics ought to end at the schoolhouse door.

I would also like to note for the record that I have attended and participated in and actually chaired congressional hearings in San Diego in the past. I accompanied Duke Cunningham to a subcommittee field hearing on the reauthorization of the Older Americans Act here in this area in 1996. Late last year I chaired a hearing just across the hall. In fact, Congressman Filner participated, if my memory serves me right, on the Federal Worker Paycheck Protection or Paycheck Fairness Act.

But what really brought us here today was the growing concern not just in California, but across the land about the efficacy of Bilingual Education, and I used ``efficacy" just then to show Congressman Filner that occasionally I can master or even use the English language.

But, ladies and gentlemen, what really concerned me was an article I saw in the Washington Times late last year. We are about to hear from this gentleman, about the Oakland Bilingual Education program being sued, and a young child, a fluent English speaking child being forced into a class where the Chinese Cantonese language was the primary method of instruction.

I also saw some startling statistics recently that indicated last year only 6.7 percent of limited English proficient students in California public schools have learned enough English to be moved into mainstream classes. In 1982, that number peaked at 15 percent and has fallen steadily ever since.

So I submit to you, ladies and gentlemen, that the evidence indicates or suggests that Bilingual Education is not working well and that it all too often traps youngsters into dependency on non-English language and special help and in the process leaves them behind.

And as I mentioned in my opening comments, my concern is about preparing our young people for adult lives as productive citizens and to take advantage of a growing economy.

We had our field hearing yesterday, contrary to what Congressman Filner suggested, which was not on a particularly sexy topic politically speaking. It was about education and training in the technology age and what we are going to do to produce entry level workers who, as I mentioned earlier, are technologically capable and computer literate and who can fill those hundreds of thousands of jobs that are unfilled in the economy today in California, in Texas, in the Research Triangle at North Carolina, in Northern Virginia across the Potomac River from Washington.

And my concern is, obviously, if a child is not getting schooled in the basics, beginning with the ability to read and write English fluently, then obviously they do not have a chance to compete and succeed in this high tech economy.

Lastly, with respect to the connection between our hearing and the Bilingual Education initiative on the ballot here in California, English for the Children, of course, there is a connection. I would hope that you, as citizens and, yes, as voters, would be upset if we as elected policy decision makers back in Washington ignored the groundswell of support for this initiative.

So we are here to find out why this initiative has so much support in California and what lessons we can impart, what lessons we can learn from this support. I really believe that representative government is supposed to be bottom up, and that when the people lead, the leaders hopefully will follow.

And the statistics that I have seen are that this ballot initiative is favored by 71 percent of whites, 60 percent of Latinos, 71 percent of blacks, 55 percent of Asians, according to the statewide field poll, which is in fact, a real eye opener. And that is one reason why we are trying to learn and see what lessons, again, we can incorporate into the overhauling and the reform of federal Bilingual Education programs.

With that, let me call forward our panel of witnesses. I see Travell_did I say your name right, Travell? You have been waiting real patiently, guy_is here. If Mr. Louie, Dr. Garcia, Ms. Liska, and Ms. Ruiz would all come forward, please, and Ms. Sperow.

I should note for the record that Ms. Ruiz and Ms. Sperow are both law partners, I believe, with their own firm. We are glad to have them here.

Ladies and gentlemen, what we will do is go right down the panel, your right to left, if that is all right. We will start with Mr. Louie and Travell, and then go to Dr. Garcia, Ms. Liska, Ms. Ruiz and Ms. Sperow.

Mr. Louie, I mentioned seeing the article in the Washington Times. I hope you have seen that, dating back to December when you first made known publicly through the news media your concerns about Travell's education in, I believe, Oakland city schools.

We are delighted to have you here today.

I simply want to introduce you again as the father of Travell, who is an English speaking African American child who was placed in a bilingual Cantonese class without notice to his family, to Mr. Louie.

Mr. Louie's request to have his son transferred into another class met with strong resistance from the school. We are very eager to hear about your experience and, again, what lessons we can learn from that experience as we attempt to strengthen parental notification and parental rights vis-a-vis Bilingual Education programs at the state and local level that are funded at least in part with federal taxpayer dollars.

So, Mr. Louie, thank you for being here. Please proceed with your testimony.

STATEMENT OF GEORGE S. LOUIE, OAKLAND, CALIFORNIA; ACCOMPANIED BY TRAVELL DeSHAWN LOUIE

Mr. **George Louie**. Thank you, Mr. Chairman and distinguished members, for giving me an opportunity to tell my story.

I am a registered Democrat, and I am a supporter of, I believe, the initiative 227; is that correct, the bilingual initiative? And the reason I support the initiative is I enrolled my son in Lincoln Elementary School in May of 1997, and in June they formed four bilingual classes of 26 students in each, two a.m. kindergarten classes and two p.m. kindergarten classes.

And the school started in September of '97, and I had no idea, no notification that my son was placed in bilingual programs, and I by chance went to school early. I normally leave about 20, 25 minutes early because I have a prosthetic leg and it takes me about 20 minutes to get, you know, the six blocks up to the school.

And I was astonished when I walked in the classroom and I sit there, and there were approximately 22 kids sitting around in a circle, Chinese kids. And in the back of the room they had my son, Travell, a white girl name Cherei, and this kid that was mixed with white and Korean named Shingles, and another kid that I do not know his name. They had them sitting in the back room doing nothing while the teacher sat there in front of me and instructed the class in Chinese, the Cantonese dialogue, for approximately 45 minutes.

And so it appeared that they were using my son and the other three English speaking students as fillers to fill out this bilingual class, and so I was furious. I went to the office, complaining to the principal, and I made numerous calls. I made over 75 calls to school officials, to the superintendent's office. I had meetings with the administrative assistant to the superintendent and the General Counsel.

And their initial response was, ``We will transfer you kid to another school district."

And I said, ``No. I am on disability. I have limited income. I have an income of $960.40 a month, and I pay $860 in rent." I said, ``I cannot afford the extra burden and the extra time that is involved in taking my kid to school on public transportation, and I want to be served in the district that I live in that is six blocks from my house."

And the school board General Counsel said that they had an obligation to provide accommodations to students and to school employees. I told them that under the Americans with Disabilities Act, I thought that they had an obligation to provide me with accommodations, because under California law the parent has a responsibility to get their kids to school until the age 16.

And I said, ``What am I supposed to do, put a five year old on the bus and take a chance on him being kidnapped?"

Mr. **Travell Louie**. No.

Mr. **George Louie**. You hear what my son says. No, no, no, right?

So then they kept saying, ``What do you want?"

I said, ``I want my kid in an English only speaking class with an English assistant," you know.

And they kept telling me, ``Well, we do not have room. We do not have space. We do not have the teachers."

So then I called up the NAACP. I went to school and met Mr. George Perry of the NAACP, Educational Coordinator for Oakland, the former head of the Bilingual Education Program at the Berkeley Unified School District, retired. And the first thing he asked Ms. Lee, ``Did you give Mr. Louie notification that his son was placed in bilingual class?"

And she said, ``Well, no."

I think that you have a copy of the notice that she typed up to the parents on October 9th, well into the semester, notifying the parents that they had a right to transfer their kids to an English speaking only class. I made that request in writing, but it was never honored.

You know, my son has been--well, let me take you back a minute. He went to Head Start for two straight years without any problems. He was enjoying it. He was doing his ABCs. He had a great time. I think he maybe missed two or three days in the two years, and it seems that he is going backwards now that he is in the Cantonese bilingual class, and the teacher tells me that he disrupts the class. He has been in a couple of fights, and this is not my son. He has not done this in the previous two years.

And I asked him. I said, ``What's the problem?"

He says, ``Daddy, I don't understand the Chinese. I don't understand what they're saying."

Mr. **Travell Louie**. Nope, nope, nope.

Mr. **George Louie**. See? What do you say?

Mr. **Travell Louie**. No.

Mr. **George Louie**. You don't understand?

Mr. **Travell Louie**. No.

Mr. **George Louie**. And does not understand, you know, the Chinese, and the teachers are not trying to teach him Chinese because he cannot write one Chinese character, cannot write his name, and basically they have him sitting in a room as a filler to accumulate federal tax dollars, state tax, you know, dollars.

And I made over 75 telephone calls to various school officials, nothing but the runaround, nothing but the runaround, you know, nothing, and then finally I filed a lawsuit in the U.S. district court, and it was dismissed on technical grounds. Number one, I did not state that the school district was receiving federal financial assistance, and number two, I did not state that my son was being discriminated because of race or color.

Now, I attempted to file this suit in the form of paupers because I was on limited income, you know, waiving the $150 filing fee, and normally the judges let the petitioner file the suit and give them leave to amend the complaint later on, but that never happened, right?

So what I am concerned with is I have an American born, an American born, native English speaker right here that is being denied an equal opportunity to receive an education in English, and I think, you know, the bilingual program is wrong. It is an innocent kid that was randomly chosen and selected and put in a bilingual class without my consent, and after all kinds of efforts.

For example, the General Counsel of the school board invited me to file a lawsuit. He said, ``Yeah, go ahead and sue us."

So I gave it a try, and then after I sued him, you know, he had a different tone. He said, ``Well, can we talk about this?"

And then after it got dismissed, he did not want to talk, you know.

Mr. **Travell Louie**. Daddy, can I say something?

Mr. **George Louie**. You want to say something? Okay. Go ahead.

Mr. **Travell Louie**. Well, I don't like bilingual.

Mr. **George Louie**. Say what you want to say.

Mr. **Riggs**. Mr. Louie, to conclude your testimony, where do things stand today then? Your lawsuit was dismissed. Is Travell still in the same class? Where do things stand?

Mr. **George Louie**. He is in the same class. Well, he is in the same class. He is in the Cantonese bilingual class, and what is really comical, they send homework home in Chinese, and I cannot understand it. So I definitely cannot help my son or instruct my son. They send homework in Chinese.

Mr. **Travell Louie**. Daddy.

Mr. **George Louie**. Yeah?

Mr. **Travell Louie**. Why don't you look on the paper?

Mr. **Riggs**. Is there anything else that you would like to add, Mr. Louie?

Mr. **Louie**, remind us one more time. How many classroom observations did you have? You discovered this by going to the class and observing the class first hand?

Mr. **George Louie**. Well, what happened is I normally leave home around 2:30 to pick him up for 2:50, and I misread the clock. I left at 1:30, and I got up to the school, you know, approximately an hour ahead of time, and by chance I went around to the yard, walked in the classroom, and sat down, and the teacher, Ms. Chu, continued to instruct the kids in Chinese.

Now, the other day I was over at the school with Steve McClutcheons from the Pacific Legal Foundation. They instructed the kids in English the entire time that I was there and we were there for about, oh, 35, 40 minutes. And what was interesting was, the teacher asked the class questions in English, and out of the 26 kids in the classroom, three black kids and 23 Asians, approximately 21 of them spoke fluent, fluent English. So they even have English speaking Chinese kids in the bilingual classes, and they use this to manipulate the process.

You know, they have enough English speaking only kids to form an English speaking only class. There is no justice in the Oakland school district, and the only way the change is going to come is for Congress to make some changes or the 227 initiative on the ballot passes.

Mr. **Riggs**. Thank you very much, Mr. Louie.

We will now turn to--okay. Go ahead, Travell.

Mr. **Travell Louie**. My daddy has cooked me good food, but I have been throwing up since he has been.

Mr. **George Louie**. Come on.

Mr. **Riggs**. He is precious, and he has done real well.

Mr. **Travell Louie**. He has been cooking me bad food.

SEE APPENDIX B FOR WRITTEN STATEMENT OF MR. GEORGE LOUIE

Mr. **Riggs**. We are going to go to Dr. Garcia now. Dr. Eugene Garcia is the Dean of the Graduate School of Education at University of California at Berkeley. Dr. Garcia is also the Director of the Office or was also the Director of the Office of Bilingual Education and Minority Languages at the U.S. Department of Education during the last authorization of the Bilingual Education Act. That was in the 103rd Congress. This authorization took place during the Clinton administration, and, Dr. Garcia, we are delighted to have you here today, and we very much appreciate you traveling down from Northern California and look forward to your testimony.

Please proceed.

STATEMENT OF DR. GARCIA, DEAN, GRADUATE SCHOOL OF EDUCATION, UNIVERSITY OF CALIFORNIA AT BERKELEY

Dr. **Garcia**. I appreciate it. It is a pleasure to be here. I am appreciative that you are going to look into some fairly significant research that has been conducted throughout the country, particularly in California, related to how we get kids to learn English. How do we get them to essentially, do well in school academically, particularly when they come to the school speaking a language other than English?

As you know, there are close to four million of these kids in the country, a third of them here in California. So it is a substantive challenge that we are facing in California and around the country. That population is growing at about 78 percent per year. So it is not going away.

So the issues that are before you are important. They are significant to schools. They are significant to, in fact, how we serve those students well and essentially make sure that all of them have the same opportunity that any student has to achieve at levels which we believe are appropriate for everyone.

I want to do two things today if you do not mind, not more than that. I wish I had more time. I want to relate to you findings of fairly intensive research, both longitudinal, long term research here in the United States with regard to services for limited English proficient students. In addition, I want to talk about some very strong case study work that has been done in California, as well as around the country, which essentially compares one model to another, but looks at those schools that are particularly affected in serving children defined in two ways. Kids learn English, and kids also achieve academically well in English. I want to do that.

And then secondly, I want to relate that research essentially to the kind of policy that probably is best informed with regard to that research. We think still that the federal government, thanks to Mr. Kindheim and some of you, in 1993, '94, did consider this research and other issues and passed the Improving America's Schools Act, which included Title VII, Bilingual Education Activity, which is supported by the federal government. I want to take you essentially to that law and also articulate how that, I think, has formulated some good policy which does, in fact, address, and I will get to it, the proposal here in California, and how the two essentially do not line up very well.

First, with regard to research, bear with me. I am from Berkeley. So I do want to talk about research, and I am in that silly ivory tower, and so bear with me.

I want to talk about studies that have looked nationally and compared children who are receiving a set of different models. Everything from ESL pull-out programs--these are programs that pull children out and try to instruct them in English, put them back into classrooms, and do that on a temporary and interrupted basis. That is, it is not ongoing for a long period of time, but you pull them out for 15, 20 minutes at a time, sometimes an hour, and put them back in the classrooms. Compared to bilingual programs, which essentially leave the student in the classroom in which the native language is used as the form of instruction, but also English is incorporated into instruction in the classroom itself. They do not pull children out and do something separately with them.

Also, sheltered immersion programs. These are programs that do not use the native language, but essentially try to provide a structured immersion environment in which children are recognized not to know English. A lot of other kinds of manipulative and visuals are used, and reliance is placed minimally on the use of English as an instruction medium. So that you try essentially to shelter the students.

Now, that kind of national study is very interesting and compares those models. The department funded such a study in the late 1980s. Results were completed in the early '90s, and that data suggests that of these programs, these different models, essentially a program that used native language instruction was as good, if not better, in English language development and achievement in English. Particularly in mathematics

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and in areas that essentially most of us are concerned with, including literacy.

Now, I want to also inform you of a more in depth case study approach. This is a set of researchers, including myself, who over a period of eight or nine years have studied some 30 to 35 schools across the country. We started in a different way. We did not compare one method to another.

What we did is look at those schools that had high numbers of limited English proficient students from a variety of different languages. At least 50 percent of the kids spoke a language other than English in these schools.

However, and by the way, all of them were poor schools; many of them inner city, but some rural schools, an issue some of you raise.

And we looked essentially at only those schools in which kids succeeded very well. We defined, again, success academically and in English. That is, children were achieving at or above the 50th percentile on standardized tests of academic achievement in English, and so we sort of backed in. We said let's take a look at those schools that work very well, and let's find out why they are working so well.

And the reason we did that, quite honestly, is in a study we did here in California, which was funded by the California legislature, we tried to compare the different models, ESL, sheltered English, bilingual early, late transition, all of those kinds of models. And what we found was that there was not much integrity to those models. That is, it is very difficult to actually find someone implementing a model, which was described somehow on paper or theoretically described somewhere. So we found essentially ESL pullout programs that used the native language. We found sheltered English that used the native language. We found native language bilingual programs that used a lot of sheltered English and ESL.

What schools, we learned, did very effectively was to adapt a set of instructional strategies, programs to serve the population, keeping in mind the population itself, the language the kids spoke, how competent they were, what the community standards might be, all of those things.

So essentially what we decided to do as other researchers had, is we moved away from Model A versus Model B. We essentially went into studying those places that worked very well and asked: what models are they using? What instructional strategies? What kind of teachers do they have? What do they actually do?

Very briefly, let me suggest to you what we found. This is not only myself, but a number of colleagues around the country. Again, these are schools around the United States, but a third of those schools were in California, and a half of those third were San Diego vicinity schools. So we have data on some of the schools that are in your districts, by the way, here in San Diego.

What did we find? I want to identify five different attributes that were very clearly articulated in those findings not only by myself, but colleagues from other places around the country.

First, we found there were high expectations, that, in fact, these kids were expected to achieve at high levels not only in English, but also in the content areas. In many places around the country for limited English proficient students, reports indicate that the only thing of interest to educators who are serving those kids is that the kids learn English. In big schools we found they were not only interested in English development, but also interested in academic achievement. That is a critical feature of this work.

We also found, very different than Mr. Louie's experience, clear, informed parental consent. So parents were very clear about the vision, mission, goals of the program. If a parent did not want to participate in a program, they were essentially allowed to go to other programs. In all of these programs in these schools we found English only programs as well.

One drawback unfortunately we found in English programs, and I will talk about it later, is that many of the children who were placed in English only programs, who were limited English proficient, three or four years into the program, they were not doing as well academically as the kids that were placed in programs that did use their native language. That is a potential academic drawback, academic drawback.

We found, secondly, that these programs were added. They were responsive. They were exactly what Mr. Louie described he would not want for his child. For children who speak a language other than English, teachers essentially used the native language whenever they could.

Keep in mind we studied classrooms in which there might have been as many as five or six languages. So you can not use the child's native language all the time, but even in situations, including San Diego, where there are five languages in the school, we found that principals, teachers used community resources. They used older children. They essentially did what they essentially told us, which was to add English to what the children already bring.

Essentially they recognized that this has got to be a win-win for everyone. English children should be taught to read and develop literacy in English. Clearly, it is their native language, and essentially children who come from Spanish language background, because language does not develop in school; it develops in the family, in the community that the child lives in. These programs took advantage of that resource, took advantage of that resource.

Keep in mind the goal always was English language development and English academic achievement, but they did not restrict themselves from using the native language as a resource.

Third, we found essentially that the curriculum was highly challenging. It was not watered down. This is curriculum essentially that asks children to succeed in situations in which they had to master high order thinking skill, literacy analysis skills, mathematic problem solving, all of the things we expect all of our students to do well.

This was not a watered down kind of curriculum in which children were taught things that essentially were not at grade level and were not meeting high expectations or high standards.

Fourth, we found that these programs were integrative and comprehensive. We did not find the centers of these programs were segregated, segregated kids. It is a way to bring kids together in integrated ways. Instructional structures were followed, including small group instruction, other kinds of instruction that allowed children to be taught in the native language, but then integrated in English language activities, something that probably should have been done in the example provided earlier.

Now, that was essentially the case where we did not find the segregation, pullout program to be the common denominator in these good schools, in these good programs.

Lastly, we found very good teachers. You all know you cannot implement a good program; you cannot have challenging curriculum; you cannot have structures that can be adapted without the people who are professionally developed, professionally trained to do this.

Every child is different. Every situation is different. You need professionally trained individuals--that is why we call them professionals--who can adjust and adapt to those kinds of situations.

Let me tell you what we did not find, just as an aside. We did not find a one-year English only sheltered immersion program that essentially is what is proposed by Mr. Uhns. We did not find that anywhere. We did not find that to be effective. We did not find that the kids were learning English really well and that they were achieving really well. So we did not find that program anywhere. I do not know that it exists, quite honestly, anywhere in a substantive manner where you have lots of these kids and you have them achieving well. We just did not find it.

How does this relate to federal Title VII programs? With my colleague from San Diego, Tom Pesant, who had personal experience with serving linguistically and culturally diverse students, we essentially fashioned for Congress the Title VII provision, which was passed, by the way, in a bipartisan vote out of committee. It was a very good agreement in the subcommittee.

Let me tell you what that law does. One, it provides flexibility. Prior to that reauthorization, you had to choose from ESL programs to bilingual transitional programs, to development programs, a set of models. So a school district that wanted help from the federal government said, ``Well, I want this kind of help."

What the new program does, what the new law does is say that it is flexible. One size does not fit all. If a school district in San Diego wants to develop English language competency and academic achievement using sheltered programs, that is fine. No problem. They do not have to use native language.

However, other districts who might very much want to do that are certainly allowed that. Lots of flexibility.

Secondly, accountability. One provision that was very important for us is, all right, if you are going to allow folks flexibility, then how about making sure they are accountable?

So in the federal legislation, for programs that fund school districts and schools for five years, there is an accountability measure. You must identify the standards and the goals that you are going to use to measure achievement. You are going to have to tell us how you are going to measure English language development and academic achievement in English, and if you do not do that in a timely period--we said a maximum of three years--the federal money is gone. There is an accountability provision in federal law.

Third, it has to be systemic. We did not want Title I, Title VII, Immigrant Ed., and all the others working separately with these kids. As you know, the kids in San Diego can be immigrant. They can be LEP, and they can be poor all at once. It is not that we have some categorical way to think about kids.

When you provide these kinds of programs, they should come together in a systemic way. Even though they come to you from different spouts in the federal government, when they get to the school, they have to be systemic and come together to serve all kids well, and we ought not to see the categorization of these programs at the school level.

Lastly, we put the emphasis on professional development. We said the key here is not only good programs, good standards, good curriculum, good goals, good accountability, but it is also having the best people to implement the program.

If that is the case, then federal provisions now exist. Keep in mind that the Uhns proposal in California essentially does not provide that kind of flexibility. It does provide no accountability. It essentially goes counter to what we tried to do at the federal level.

Why is there such big opposition to bilingual ed. then? Why is there this concern?

I think there are several myths driving this opposition. Myth number one is that Bilingual Education does not require and promote English language competency. Nothing could be further from the truth.

No federal program is funded, including that one in Mr. Goodling's district or those here in this district, which do not promote bilingual. That is the law. You must do that.

Someone tells us, ``Well, we have a program down here that is not teaching English." In many cases, that program should not exist and, in fact, does not follow the clear, clear policy developed by you all in the 1994 reauthorization.

So, in fact, Bilingual Education is the federal response to making sure kids have the opportunity to learn English and also to achieve at levels that all students should be achieving at.

The second myth is that Bilingual Education requires local school districts to utilize and develop the student's native language. No such provision. There are no federal or state mandates for native language development. There is no educational agency that receives federal educational dollars to develop only native language. All of them must develop English and English academic competence.

Not only that, but at the federal level they must request this money. That is, they must compete in a national competitive process. So that no one forces the district to take this money or the school to take this money. This is a voluntary act based on a competitive process which funds, quite honestly, something like 15 percent of the proposal essentially that come in.

A third myth: Bilingual Education promotes multicultural education and minimizes social assimilation. This is sort of the Bosnia factor. Oh, my God, the kids don't learn English. We are going to factor ourselves into all of these different linguistic groups, and we are going to end up fighting each other.

On one side of this issue, the opponents of Bilingual Education insist that allowing the utilization of native language produces this kind of divisiveness, this kind of minimum assimilation.

On the other side, quite honestly, many multiculturalists who essentially criticize me are saying all that Bilingual Education does is promote English language development. It destroys the fabric of this country, which is multicultural and multilingual, and essentially stops us from promoting bilingualism as an economic, linguistic, and academic resource.

Quite honestly, in federal policy, as I would hope in state policy, both of these positions are inherent. The issue that relates to whether someone assimilates or does not assimilate, learns English, keeps the native language, is really something that ought to be left to the parent, to the local school district, to the local school board. There should be no federal dictates nor state dictates about this. This is a local issue.

As an ex-school board member, as well as a researcher, the buck stops there. Why should you mandate how I should do things at my school district as long as I agree with you that we ought to be sure English is learned and academic achievement in English is garnered?

So essentially federal policy allows that flexibility and aims at those goals, but does not tell people how to get there.

Lastly, there is a myth that Bilingual Education programs are ineffective. They are duplicative and no longer necessary. I have already pointed out two sets of data, one national, one more case study and also national, that suggest these programs work. They work well. They work in urban centers, like San Diego, and we have data here, like Los Angeles; there is data there; like San Francisco, like New York, like D.C. They also work in rural areas like Fresno, Central Valley, like Colepisco and others. That data is pretty clear.

Is it the only way to do education for non-English speaking students? Of course not. There are multiple ways to do it, and there are multiple ways to adapt native language into other kinds of programs to serve those students, but clearly, it is not the case that Bilingual Education has been proven to be ineffective.

To correct one statement you made, Mr. Riggs, that seven percent of the kids in California do not move into English language classrooms, keep in mind that in California 70 percent of LEP children have no access to native language instruction. Alright, no access to native language instruction.

Quite honestly, if we would implement these programs, we think that figure would actually increase as it has in Los Angeles and San Francisco where Bilingual Education programs generated a 15 to 20 to 25 percent movement into English language classrooms over the last three years.

I want to essentially then conclude that if you align present federal policy, it is flexible. It essentially tried not to indicate one size fits all. It tried to be assistful and helpful to local school districts on a permissive basis, and it essentially tries to do so in ways which unfortunately only serve about ten percent of the limited English proficient students in this country. Only ten percent receive federal resources.

When I heard one say, ``My God, there's all these tax monies going to bilingual ed.," ten percent of limited English proficient students are served through federal programs in Bilingual Education.

On the other hand, in 1995, when I left the Officer of Bilingual Education, we received over 2,000 voluntary proposals for assistance by local school districts. Why? Because local school districts are trying to do the right thing, and secondly, they have an obligation under Lau and the Supreme Court to serve these children in ways which help them achieve English language proficiency and academic proficiency as well.

The federal government in its mission essentially says we will try to help in that regard. Presently now less than ten percent of LEP students are essentially receiving that kind of assistance.

Lastly, if you compare the federal policy to what is proposed here in California under the Uhns initiative, one size fits all sheltered English immersion for one year, which brings students together who are five years old with ten year olds, essentially putting them in any classroom for one year. Denying them the use of their native language, and unfortunately, from a research perspective, providing a program for which there is no evidence to support that it will actually help children. And there is nothing in this provision that provides for accountability for the kinds of instruction and the kinds of teachers, the kinds of resources that are needed to really pull this off.

Thank you for your time. I appreciate it very much.

SEE APPENDIX C FOR WRITTEN STATEMENT OF DR. GARCIA

Mr. **Riggs**. Thank you, Dr. Garcia, for some very enlightening testimony.

It is too bad Congressman Filner had to leave. I would like to point out that Dr. Garcia is here today as the so-called Democrat witness. Although he has been obviously very, very informative, and the length of his testimony might very well equal or exceed the combined length of all the other witnesses.

However, he speaks from a special vantage point and one with a great deal of authority and expertise. So we are glad that he came down, and we look forward to the questions and answers.

Cathy Liska is here today to provide us with probably the most valuable and most important perspective of all, and that is the perspective of the classroom teacher. She is from Orange County, and I apologize. I do not know which school district.

Ms. **Liska**. The Anaheim City Schools.

Mr. **Riggs**. Anaheim City Schools. She is concerned about the lack of notification to parents when their children are placed in Bilingual Education classes and the fact that schools are not honoring in all cases, obviously, and perhaps in many, many cases parental requests to have their children removed from such classes.

So, Ms. Liska, thank you for being here, and please proceed with your testimony.

STATEMENT OF CATHY LISKA, TEACHER, ORANGE COUNTY

Ms. **Liska**. Thank you for allowing me to testify before you today.

And before I do begin, Chairman Riggs, I was wondering if I might be able to enter some of the materials I have into your formal record today, which the first would be my manuscript of ``Procedural Error: Conspiracy of Silence," and I have some other materials from ``READ Perspectives." This is the READ Institute in Massachusetts, and some materials from the Center for Equal Opportunity.

Mr. **Riggs**. Right.

Ms. **Liska**. And I will just leave those.

Mr. **Riggs**. Ms. Liska, if you will pause for a moment, without objection we will make sure that those materials are included in the record of today's subcommittee field hearing.

Ms. **Liska**. Alright. Thank you.

Let me say from the start that I hold on quarrel with teachers whose educational philosophy differs from mine, mine being that immersion, that is, sheltered English, is the best way to educate our English learners. I know that teachers in our district, the Anaheim City School District, and other teachers--

Mr. **Scott**. Ms. Liska, I am sorry. Could you start over again? I could not hear.

Ms. **Liska**. Should I bring this closer?

Mr. **Scott**. Yes. I did not get the last couple of sentences.

Ms. **Liska**. I do not have the loudest voice in the world, well, actually out of the classroom, I guess. Okay. Alright. Let's get the glasses, and maybe I will put this on the other side. Okay. Should I just go again then? Okay.

Let me say from the start that I hold no quarrel with teachers whose educational philosophy differs from mine, mine being that immersion, that is, sheltered English, is the best way to educate our English learners. I know that teachers in our district, the Anaheim City School District, and other teachers, regardless of their teaching philosophy work hard to give children the best education they possibly can.

My quarrel rather is with the system of Bilingual Education, with the bureaucrats and the administrators who enforce it, and with the illegal practices it has spawned in order for districts to stay in compliance with the California Department of Education, the Bilingual Compliance Division, and its arm, the Comite de Padres, probably the two biggest terrorist groups to ever come down the educational pike.

Since you have my written testimony, I will just reiterate some of the points I elaborated on in it.

Point one. My district has 15 bilingual schools and seven immersion ones, although one immersion school did add some tracts of bilingual recently. Until 1996, the district was not accountable to its Spanish speaking parents and students, as evidenced by its five year average 96 percent failure rate to redesignate limited English students to fluent English.

Point two. In this five-year window, we always find the bulk of the immersion schools in the top ten for redesignation.

Point three. Data presented in 1997 to the school board by former board member Harold Martin showed that those English learners in immersion had a 262 percent greater chance to be redesignated to English fluent. The board of education was in a quandary as to why this would be until Mr. Martin explained the obvious. Those students who had the 262 percent greater chance were in immersion, and the other Spanish speakers were in bilingual, learning to read, write, and spell in Spanish in Grades K through 2.

Point four. Although bilingual advocates, and information disseminated in the minutes from my district's Education Council meeting, would like us to believe that socioeconomic status, et cetera, have much to do with the continued use of native language instruction, according to Dr. Barbara Mujica, full professor of Spanish at Georgetown University, there is ``no evidence that the instruction must be done in one language or another" for this group.

Point five. While bilingual advocates will tell you that immersion programs instituted by districts throughout the nation are ``de facto bilingual" programs, it is not so. In the case of the Bethlehem Area School District, the children learn English from day one and have 75 minutes of English language development daily as compared to our district's 30 minutes per day, and 86 percent of these Bethlehem students come from Spanish speaking homes that are economically disadvantaged. That was a quote also from Dr. Mujica's article. After three years, they have an average 24 percent exit rate.

Point six. In a newspaper chart of January 1998 which showed in one column the number of students taught in Spanish, my district was listed as zero. This is not true. My district has recently spent almost $1 million on a new language arts reading program which has a Spanish component so that those Spanish speaking students in bilingual schools will continue to read, write, and spell in Spanish from Grades K through 2.

Point seven. With the 262 percent data presented to the board, as well as information from the Little Hoover Commission report, the READ Institute, the Center for Equal Opportunity, and other materials, as well as districts switching to immersion, plus their own poor redesignation rates, why does my district continue to cling to the bilingual method? The answer is funding.

Why did it break state and federal law and not inform parents of their rights for their children ``prior to the initial enrollment"? And that comes from the Code of Regulations. Funding.

Why did it restrict teachers from informing Spanish speaking parents of their rights? Funding.

Why did it use school administrators to persuade and coerce parents out of English and back into bilingual even though those parents brought a note requesting English for their children? Funding, and sad to say, sometimes because of some school administrators' own personal philosophy.

As an example, in one school during this three-year period of the five year window, because of the principal's belief that no student should be in immersion, only 17 students were redesignated to English fluent. This was a school, which had 800 students yearly, 80 percent of whom were Spanish speakers, and they now stand at 100 percent.

One teacher at the school was told by the principal, ``You are developing too much English in these children."

How do I know all of this? Because I brought a complaint against my own school district in April 1996. In a seven year period, approximately 12,852 Spanish speaking students were placed in bilingual programs virtually without the parents' knowledge of what the program contained prior to the initial enrollment of their child in it, as required by the California Code of Regulations.

The 13 page addendum to the complaint contained 24 incidents of illegalities. Nine bilingual schools were named, and over a half dozen school administrators who either quoted as district policy the restriction of teachers or themselves engaged in questionable bilingual placement practices.

When mediation was completed, why did the district water down three letters and forms and completely negate the script that was specifically mediated in order to keep school administrators from being so easily able to persuade parents out of English for their children? Funding.

How is this possible? First is the backward system of funding that pays the district to have LEP students, but then takes away that money the minute the student becomes FEP.

Second, even though the sunset of bilingual occurred in the late '80s, the California Department of Ed. instituted mandates that virtually assured its perpetuation, and so has the Office of Civil Rights. In theory, districts receive money for LEP students in order to effectively and efficiently see to it that those students become English fluent. But in reality what happens is that the Bilingual Compliance Division swoops down on school districts if they are not using the bilingual methods and threatens to cut off their funding.

In the case of the Inglewood District, they were producing successful results in teaching their English learners and were still threatened with a $7 million loss of funding.

In the Westminster District, they had to spend approximately $900,000 out of their general fund in order to give their students an alternative language arts program. Again, this is an extension of the funding problem.

But reprinted in ``READ Perspectives" in a forward to an article by Charles L. Glenn by Rosalie Petalino Porter, we find out some facts about Bilingual Education which show those who support and enforce it to be in error.

In the study published in January 1997 from the National Research Council, funded by the U.S. Department of Education and several private foundations at a cost of $500,000, we find out from 12 scholars who are generally acknowledged to be favorable to Bilingual Education that, and now I am quoting these five things that they found,

"One, there is no evidence yet that there will be long term advantages or disadvantages to teaching limited English students in the native language.

"Two, teaching children to read in English first instead of in the native language does not have negative consequences.

"Three, emphasizing cultural and ethnic differences in the classroom is counterproductive. It leads to stereotyping, reinforces the difference from majority children, and does not lead to better self-esteem for language minority children.

"Four, there is no research support for the idea that teachers who are themselves members of minority groups are more effective than others who work with children from those same groups.

"Five, the U.S. Department of Education's management of Bilingual Education research has been an almost total failure. Wasting hundreds of millions of dollars, using the research agenda for political purposes to justify a program that has not proven its worth, and not making its research available to the educators who could use it to improve their school programs," unquote.

Consider the data supporting immersion. Consider my school district's lack of accountability to its Spanish speaking students and parents. Consider its poor redesignation scores. Consider its illegal practices. Consider the Office of Civil Rights, to whom I went three times, that is, in writing and who would do nothing to help. Consider Deputy General Counsel Alan Keon from the CDE and one of the bilingual compliance directors, Leroy Hamm, who likewise did nothing to help.

Consider the CDE's terrorist tactics, virtually holding school districts hostage for money. Consider the intimidation of teachers and how Spanish speaking parents are kept ignorant of their rights.

Then consider the children.

In closing, you ask if bilingual works. I say not only does it not work; it is demeaning to Spanish speaking parents to make them think they are the only ones with children who cannot learn English effectively and efficiently as mandated by the legislature. More importantly, bilingual is shown to now be unnecessary in light of the National Research Council study, as well as other studies, and because of the data from school districts who have switched to immersion and are serving their Spanish speaking and other English learners successfully.

Perhaps more importantly and most shameful of all, it has spawned some of the worst illegal practices in the education community seen in two decades or more, and sad to say, my school district is living proof of that.

No one denies that to be bilingual is an asset, but from a report titled ``Scope of the English Language," we find ``more than 1.4 billion people live in countries where English is an official language. Many experts believe it will become a truly global language in the not too distant future."

Therefore, we are talking about not only the future of our country, but the global community as well, a future that is very dependent upon having well educated, English fluent, literate men, women, and children.

I would like to say a quote here from the L.A. Times editorial, and I am substituting ``I" for ``we." This best states my position.

``I give no comfort the bigots who want to end Bilingual Education because they don't like immigrants. I do not embrace the doctrinaire who believe Bilingual Education is a political tool to pound away at a host of historical sins. I stand with the children who deserve better and whose parents are demanding better."

That concludes my portion.

I would like to ask, Chairman Riggs, that at some point I might be able to make a statement about what my school has been subjected to because we stood up for immersion, and that would be another two minutes at some point.

SEE APPENDIX D FOR WRITTEN STATEMENT OF MS. CATHY LISKA

SEE OFFICIAL HEARING RECORD FOR THE ARTICLES "PROCEDURAL ERROR: CONSPIRACY OF SILENCE'" AND "READ PERSPECTIVES"

Mr. **Riggs**. Well, why don't you go ahead and add that now, Ms. Liska?

Ms. **Liska**. Okay. I did not want to keep the_

Mr. **Riggs**. No, no. I think that would be appropriate to add that at the tail end of your testimony.

Ms. **Liska**. Okay. Alright. On a personal note, I would like to say this. I am very concerned that my testimony here today will make things even more difficult than they have been for teachers at my school, John Marshall in Anaheim.

We were branded as negative, as racist, and troublemakers by administration. Troublemakers was actually only referring to my track, B Track, because in 1995 our faculty took a united stand for immersion before our board of education to head off an impending threat of a return to bilingual at our school.

The faculty was subjected to meetings with the district psychologist in what many of us felt were group therapy sessions, sessions which were mandatory, sessions which were, as announced by the psychologist, originally created by her for burnout.

We have also been labeled as dissenters and having dissenting attitudes from what our local union president told two of us.

A district administrator recently asked our union president if ``it would do any good to start transferring some teachers out of Marshall." I suppose that referred to me.

One teacher was transferred in midyear, filed a grievance, settled, and was allowed to transfer to any school in the district for the 1998 school year, any school but ours. They put a two year moratorium on that.

Four teachers who wish to transfer in or back to our school were denied by district administration, and this is what the person said to the teachers. ``I don't want to send you there because it's a negative atmosphere. You guys are coming out of a really bad situation," and she was referring to another school, Paul Revere School, in the district. ``And I don't want to send you into another one because Marshall is going through some really negative stuff."

One of the four teachers said that what the administrator really meant was, ``I don't want to send you there because I know you think like they do, and I don't want Marshall to stay unified."

Some teachers have been told to keep away from me. I guess that makes me the negative stuff factor at my school.

Recently added to this list of brands are those of bitterness and rancor coming from someone in administration who should know better. So basically we are known as negative, burned out, racist dissenters filled with bitterness and rancor.

Why? Because we stood for immersion, which is shown in our district to give English learners a 262 percent greater chance of becoming English fluent. I would like to say that our school in 1995 was number one in CTBS testing in the district in English, and then in '96 on the Terinova we were among the top four, and we have a 13.57 redesignation rate since we have gone to immersion.

Also, in creating the addendum to my complaint, one teacher told me she would like to give me an incident, but she was the sole support of her family. I know how she feels because I am the sole support of my mother and daughter.

I know you cannot do anything to protect me from being transferred or losing my job because this is a local issue, and I can get legal counsel. But I hope that at least my right of free speech can be protected because as one teacher told me when I began all of this, ``I admire what you are doing, but be careful. These are vindictive people." And she was referring to administration.

So I just wanted to add that into my oral testimony today with the hope of at least protecting the teachers at our school from further branding and harassment. I do not know if that will really do any good because at this point we have been called just about every name possible, but at least I can say that I tried to speak for the teachers.

Mr. **Riggs**. And for the students, the children.

Ms. **Liska**. And for the students.

Mr. **Riggs**. And I want to add, Ms. Liska, that I think probably we all have first hand experience of what it means to take a stand on principle in a sometimes unpopular cause. And so we admire you for your candor and your courageousness, and I am sure glad that you followed Dr. Garcia and the two of you are sitting side by side. It makes for some very good dynamics.

Congressman Cunningham has to leave momentarily, and he wanted to ask questions. I do not want to keep our other two witnesses waiting much longer, but we are going to proceed out of order for just a moment so that he can make a departing statement. And since Brian Bilbray and Congressman Filner have already left, we certainly want to thank the members of the San Diego congressional delegation for hosting us today.

Congressman Cunningham.

Mr. **Cunningham**. I apologize for having to leave. All of my academy nominees, once a year I have a dinner for them and with their families, and I am obligated to go all the way up to Mermar at 4:30. So I am going to have to leave.

Dr. **Garcia**, I would love to, like I said in the note, sit down with you one on one and express some of my concerns. Like I said, Dr. Pesant was a good friend of mine, and when I testified before the Senate with my conservative base, you could imagine what they did, but he is a good guy, and I supported him.

But we do have a lot of concerns. And I think most of us here, as you are well aware, and Bobby is, too, I only attack when feel attacked. Mr. Filner I thought was totally out of order, and I apologize for that, but I want to thank you for your professionalism, and I apologize to the others.

I will read every word of the testimony that I do not hear, but I would like to thank the panel for coming. I know you have got better things you would want to do during the week, but I want to thank you.

And, Chairman Riggs, I want to thank you and, Bobby, thank you for coming all the way to San Diego.

Mr. **Riggs**. Thank you, Congressman Cunningham.

Now we turn to Ms. Celia Ruiz or Ruiz. How do you pronounce your last name?

Ms. **Ruiz**. Ruiz.

Mr. **Riggs**. Ruiz, and she is an attorney, as I mentioned earlier, in her own law firm of Ruiz and Sperow, and she is accompanied by her partner, Janice Sperow.

Ms. **Ruiz** specializes in representing school districts throughout the State of California before the Federal Office of Civil Rights and the State Department of Education on Bilingual Education enforcement issues.

So thank you for being here. Please proceed with your testimony.

STATEMENT OF CELIA RUIZ, ESQ., RUIZ AND SPEROW, L.L.P.

Ms. **Ruiz**. Thank you, and thank you for inviting me, Mr. Chairman and distinguished members of the committee.

I am here not as an attorney, but representing four school districts in the State of California that basically are employing different pedagogical approaches to dealing with the challenges of teaching limited English proficient children English and addressing their academic need.

Santa Barbara, which I am sure you have all heard of in the newspaper has had in place a longstanding Bilingual Education program that they are now converting to an English immersion program because they in that community were dissatisfied with the results they were getting.

On the other hand, we also are representing Garden Grove Unified School District, Atwater Elementary School District that are implementing effective and successful primary language instructional programs.

I am a partner in the law firm of Ruiz and Sperow. I am located in San Francisco, and my partner, Janice Sperow, is here in San Diego. I speak to you not as an advocate for a particular pedagogical viewpoint, but rather on behalf of a process that I believe federal law has wisely created to support a range of responses to the needs of limited English proficient students.

In fact, as I mentioned, many of our clients have exercised their educational flexibility and judgment in providing alternative programs for their students. I will, because of the time line--I know we have to be done by four--keep my comments brief, but for a lawyer, that may be difficult to do.

But before I go on, for the past two decades I have had the distinct honor of representing school districts throughout the State of California in a wide ranges of civil rights and education law issues. None of those issues as been as divisive or as emotionally charged and fraught with partisanship as is the question of how best to assist limited English proficient children to succeed in school.

And this problem, from my perspective as a practicing attorney representing school boards, has been exacerbated by numerous, well intended, but poorly conceived governmental efforts to impose a one size fits all approach to the educational needs of limited English proficient children. The simple truth is in a state, such as California, with as large and diverse a population as ours one size does not fit all. And it never will because the population of English learners in the State of California is not only the largest in the nation, but it is the most diverse. It ranges from children, such as myself, who did not speak a word of English when I started school. To children who speak one of the 50 different languages represented in California. To children who come to our shores to escape, you know, the terrors of a homeland torn with violence, poverty, and war.

So to say that one approach can serve all of these children is really to deny the challenge and the reality that educators in classrooms throughout the state face on a daily basis.

And in terms of looking at the California experience, I encourage you to look at what California has done in order to attempt to impose a one size fits all approach to this issue. In the past 20 years, the population of limited English proficient children in California has approximately quadrupled. Yet for the same number of years, our state has sought to dictate the means by which these children were going to be taught by imposing upon every school district in the State of California a requirement that children be taught in their native tongues. Even when it was increasingly evident that for most of these children there were simply not enough qualified bilingual teachers to do that.

That approach was continued in light of the reality that for many districts, despite their best and heroic efforts, many children were taught in a bilingual model, which was dictated to be implemented in a particular fashion, 80 percent Spanish language instruction and only a minimal amount of English, was just not getting results. Many of the children were having difficulty mastering English and acquiring linguistic skills.

I think that the effectiveness of California's single size fits all approach is best demonstrated by the lowly designation rates, which is approximately six percent.

Now, it is true that not all students in the State of California received a bilingual primary language instructional model. However, for the other languages, when there were not sufficient resources, our State Department of Education would not allow until very recently school districts flexibility to experiment with alternative approaches.

Rather school districts were required to hire teachers on waiver, meaning on waiver from not having Spanish bilingual potential and being fluent in Spanish or the other languages that they needed, and trying to implement in its place a program that best met the primary language model.

Recently school districts in California have insisted on local flexibility to adopt carefully designed English immersion programs that use specialized English curriculum and trained teachers. Moreover, school districts are also insisting on local discretion and flexibility in evaluating primary language bilingual programs and adjusting the levels of primary language use when children are not making the appropriate transition to English.

And, again, when one looks at Title VI of the Civil Rights Act of 1964 or the Federal Equal Educational Opportunities Act, neither of these federal laws require districts to adopt any particular educational approach. The law only requires schools to take appropriate action to assist limited English proficient students in overcoming English barriers.

We believe that federal law wisely leaves state and local officials broad latitude to formulate instructional programs to meet the needs of their students and their community. The school districts I represent today at this hearing strongly believe that such local economy is key to meeting the needs of limited English proficient students.

We believe that there is more than one way to do that, and that no single approach can serve the needs of the children in our state.

Although we believe that maximum local discretion best furthers the educational needs of students. School districts acknowledge that there must be a structure for accountability, and we welcome that, accountability in showing that children are, in fact, learning English and that children are not suffering irreparable academic deficits while they're learning English and reporting those results.

I ask you on behalf of the dedicated educators that I represent and, more importantly, on behalf of the children that they serve. Resist the partisanship and the politics, which too long have invaded our school rooms and restore the trust, the authority and the flexibility that local education officials deserve.

And on their behalf and my own, I thank you for your time and attention.

Mr. **Riggs**. Thank you very much for your testimony.

And I would like to ask if your partner, Ms. Sperow would like to make any comments.

Ms. **Sperow**. Just very briefly. I think Ms. Ruiz has captured our position here today.

I think one of the things is that is very interesting, as I was doing a lot of listening to all the testimony and opening statements, is that there is really a lot more commonality than we think. I think we can agree on some very basic goals, and those basic goals are that we have to serve and educate all children. They are equal children before us in the law and before the Congress and before the public, and they all have equal right to education, equal opportunity, access, and opportunities to learn.

I think another goal that everybody has said is that we want to make sure we serve and educate students so that they have a basic fundamental proficiency in English. I have not heard anyone say they do not want that goal.

I think we also have a common goal, but one I have not heard yet, that not only do we want to teach students so that they become productive members of society. We have an obligation in this global economy to the employers that we all are to produce productive, employable workers for the future so that we can remain competitive in our local economy, and I think we serve both of those roles.

The question is we all agree on those goals. Now, how do we get there?

Ms. **Ruiz**. And on behalf of our clients, we do want to emphasize flexibility, local control, and local discretion and not imposing a one size fits all approach, whether it is primary language or English immersion.

Mr. **Riggs**. Thank you. You made that point abundantly clear.

Let me ask you which client school districts you represent. You mentioned a couple.

Ms. **Ruiz**. In general or the ones who asked that I testify on their behalf?

Mr. **Riggs**. Yes.

Ms. **Ruiz**. Magnolia, Santa Barbara, Atwater, and Garden Grove.

Mr. **Riggs**. Okay. Atwater is located where in California?

Ms. Ruiz. San Joaquin Valley.

Mr. Riggs. Okay. Thank you very, very much.

And let me ask you just at the very beginning, since Mr. Louie described his difficulties in dealing with the Oakland city schools, if you were aware of the situation there.

I am going to quote from the Washington Times article of Wednesday, December 24th. I will submit it for the record, but in it, it quotes the principal at Lincoln Elementary, Windy Lee, as saying that that particular school; and perhaps all of Oakland city schools, is under a consent degree with the Office of Civil Rights that all classes have to be bilingual.

Were you aware of that situation?

Ms. Ruiz. Yes, I am aware of that situation. I am also aware of other situations in the San Francisco Unified School District. It was in the San Francisco Chronicle, where they were placing African American Chapter 1, Title I students in the bilingual program.

That has come about because of a requirement of our State Department of Education, again, you know, the dictation from the state in terms of how to implement programs, that there has to be at least one-third native English speakers in every classroom that uses a primary language instructional mode.

And it is difficult, I understand, in many cases to get voluntary recruitments to fulfill that one-third native English speakers, and oftentimes parents are encouraged to place their kids in that classroom, and that is the way it was reported in the Chronicle. I do not have first-hand knowledge of either San Francisco_

Mr. Riggs. I want to give Dr. Garcia a chance to respond to that in just a moment, but first I want to ask Mr. Louie.

Mr. Louie, I believe I understood you earlier to say that in Travell's class the majority of the kids are fluent in English; is that correct?

Mr. George Louie. That is correct. That is correct. Approximate 20 out of 22 Chinese kids speak fluent English, and it was spoken in front of myself and Steve McClutcheons from the Pacific Legal Foundation approximately two weeks ago.

Mr. Riggs. Well, then I am confused why the OCR consent degree would then require instruction in Cantonese.

Mr. George Louie. Well, first of all, they had my son listed as being Chinese because he has the last name of Louie, L-o-u-i-e, and Louie is a Chinese name, but as you can see, he is not Chinese.

Mr. **Riggs**. Mr. Louie, while you have the mic, before we go to Dr. Garcia, let me ask: were you able to reconstruct whether the school district ever attempted to notify you that Travell had been placed in this particular Bilingual Education class where the alternating methods of instruction were Cantonese and English?

Mr. **George Louie**. No. The classes were formed in June. Four classes with 26 students each, two classes in the morning and two in the afternoon, for a total of 104 students. I was not informed until I met George Perry of the NAACP, Educational Coordinator, at the school in Ms. Lee's office, and she wrote a letter that following day, October 9th, and I believe U.S. English supplied you with a copy of that letter.

Mr. **Riggs**. Yes, we do have a copy of it.

Mr. **George Louie**. Or the Center for Equal Opportunity, Jorge Unseld, supplied a copy of that letter to the committee.

And as you can see, the classes were formed in June, some time in June, and the notification letter came October 9th, I believe, 8th or 9th. Give it a day or two. That is when the notification came. The principal notified us that we had an absolute right to take the kids out of the classes and put them in English speaking only class. But they claimed that they had no English speaking only teachers, that all of the present teachers are committed to bilingual contracts for the school year of 1997 and '98.

Mr. **Riggs**. All of the teachers at that particular school?

Mr. **George Louie**. At that particular school.

Mr. **Riggs**. That goes from Grades what, K through 5?

Mr. **George Louie**. Well, at that particular school it goes from, I believe, kindergarten to maybe fifth or sixth grade. I am not sure.

Mr. **Riggs**. Okay, and Dr. Garcia, you wanted to say something about_

Dr. **Garcia**. The consent decrees, and particularly San Francisco.

Mr. **Riggs**. Yes.

Dr. **Garcia**. Since that was identified.

We do research in San Francisco, and we realize that the situation did develop where many African American kids were placed in bilingual programs. Clearly, the district followed the policy of parent permission, and those kids were removed at the request of the parents.

What happened in Mr. Louie's case, I think, is something gone real wrong in terms of informing parents and so forth.

Keep in mind that part of Title VII federal legislation requires parents to be informed and to have the option. So you have, you know, several hundred thousand parents out there having their children in these programs where native language instruction occurs, and, yes, there may very well be some instances like Mr. Louie's.

It is unfortunate. I am not here defending bad practice.

Mr. **Riggs**. Well, let me ask.

Dr. **Garcia**. In San Francisco, as far as I know, there is no--in OCR there is no--specific regulations that say a school district must do X, Y, Z. OCR works as a collaborative with the school district to develop a consent decree that is following the guidelines, and essentially the district organizes its instruction in consultation with OCR to do that.

I do not know the Oakland case specifically, but I know certainly that has happened in San Francisco.

Mr. **Riggs**. The lawyers to your left are disagreeing, but while you have the mic, let me ask you: has it been your experience and research that the State Department of Education plays a role in interpreting federal law and federal policy? How does the state come into the picture as Ms. Ruiz suggested?

Dr. **Garcia**. The state essentially in California has a sunset law. So it used to have very direct responsibilities and authority to intercede with regard to a specific California law, and sunset, it has been ten years ago.

The state now was concerned, as OCR is, as Department of Education in Washington is, with civil rights issues, and so it does essentially take a look at a set of responsibilities that a school district has to meet the obligations under Lau, and in fact, children are achieving. They are learning English, all of those things.

So the state essentially uses those kinds of guidelines to work with local school districts in monitoring and assuring the children do have an equal educational opportunity.

Mr. **Riggs**. Well, let me ask you or Ms. Liska or Ms. Ruiz. How many school districts, local school district, local education agencies, in the State of California are currently out of compliance or the subject of a consent decree?

Ms. **Ruiz**. We do not have that information. We believe and suspect that it is quite a number of them.

And with regard to the state, the law did sunset. But the State Department of Education, through advisories, has been continuing to enforce many of the provisions and requirements of expired law, and as a matter of fact, we are involved in litigation regarding the legality of the department's action right now with Orange Unified School District.

Our experience has been that the Office of Civil Rights does acknowledge that federal law allows a lot of flexibility and discretion to select your theory and choice. But the Office of Civil Rights made it very clear to me when Mr. Polamino was the Regional Director that once a school district selects their theory, the federal government will employ all of the massive federal resources available to it to insure that that theory is implemented consistent with these requirements.

And Mr. Polamino quoted to me a very colorful quote. ``Celia, you can tell your clients to take their children to school in a Ford, a Cadillac or a Chevy. If they select the Cadillac, we will use our power to make sure that the Cadillac is, in fact, purchased." The Cadillac here being primary language instruction from any district, merely because of the lack of resources and availability to deliver that model in all of the languages represented in our schools.

What has happened during the last three of four years is that the Office of Civil Rights has started doing joint reviews with the State Department of Education. So the State Department of Education comes and tells school districts, ``The law has sunset, but we believe it is still in effect. You must do primary language instruction or you lose your state funding."

School districts will then say, ``Alright, I want to be in compliance. We are going to do primary language programs," and they sign two compliance agreements, one with the state and one with the Office of Civil Rights, and once they have selected the Cadillac, the Office of Civil Rights enforces, you know, that they, in fact, buy a Cadillac.

So that is the way from my experience working with school districts throughout the State of California the two agencies work hand in hand.

Mr. **Riggs**. I see. Let me ask one other question before I turn to Congressman Scott, and that is whether, Dr. Garcia, you and Ms. Liska think current federal law is adequate because what we are considering is what I think might be suggested under these circumstances is, you know, feasible--

Dr. **Garcia**. Well, let me hear what you are suggesting because federal law presently does allow flexibility, accountability.

Mr. **Riggs**. Right. No, no. Specifically in the area of parental notification and rights, and that is changing the law so that it provides that parents must sign a permission form before their child can be placed in a program which uses the child's native language in instruction.

That obviously would strengthen current law, and I want to get your reaction to it, and then very quickly go down the panel and also Ms. Liska.

Dr. **Garcia**. I think presently parents are informed and, in fact, do have to indicate permission to have their children in these programs.

The only thing that I would do, and I have, besides researcher, been on the local school board; I think you ought to leave that to the local decision makers. If they want to do that with mathematics and reading and everything else, then you are putting an obligation essentially onto the local school district to be sure that everybody does this.

I would be careful. I think you, probably more than anyone, are worried about providing a set of requirements for everyone to do everything the same way. I would suggest that parents be notified, that parents have opportunities and other ways to deal with this issue, and if not, I think you ought to follow the present policy which says get out.

Mr. **Riggs**. But it seems like this sort of affirmative obligation, legal obligation on the part of local school jurisdictions, and soliciting and obtaining the written permission might be a way of addressing the concerns that Ms. Liska and Mr. Louie have raised today, and obviously strengthening current law.

So let me ask Ms. Liska. Do you think that that provision would rectify some of the concerns that you have raised?

Ms. **Liska**. Well, they very definitely have to know their rights, and this has gone on in my district, I mean, a good ten years. They have had bilingual for 20, and they did not really start to, let us say, turn the screws on the parents to not let them know until, you know, about ten years ago, well, '87, something like that.

So there needs to be something. I mean there needs to be--I do not know what to call it--some sanction against a school district when it does not allow the parent to know what the program truly is.

Now, these forms that my lawyer and I mediated were never shown to us. We said, ``We would like to see those." They just crank those out, and they still, I believe, are inadequate, and we are talking about the compliance review like Ms. Ruiz was saying.

Leroy Hamm came to our school district or Ms. Komatata Potters came to the school district and did raw school and Edison. I was not at the exit review, but my friend took copious notes, and he was concerned, and this is so hilarious, over the form we mediated, the Parents Rights and Appeals form.

I was concerned about it because the wording was so ambiguous these parents still did not know what they were signing onto. He was concerned about it because it gave the parents information that this program was voluntary, and he did not really like that, you know.

So I mean, until we start controlling the State Department of Education, they seem to think, I guess, that they can go ahead and be above the federal government. I do not know. I mean there is a big problem here, and that Office of Civil Rights, I am telling you somebody needs to investigate them.

When I go to them, write to them three times, and I am telling them the civil rights of those Spanish speaking parents are being denied, and they are telling me, ``Well, we are going to close your file now. You have written us three times," I mean, who am I? I cannot do anything, and I could not get the parents to come forward.

Dr. **Garcia**. Parents need to come forward.

Ms. **Liska**. That is right, but they are afraid. See, the woman told me I have three_you will see in the manuscript, if you can read that_the three interviews from the parents. She says, ``I am not going to come forward because they will retaliate," meaning the school district, ``against my child."

I said, ``No, no. You know, you are the parent. You are paying the taxes."

``No, I have heard stories."

I mean it is at once a very simple issue and very complex. We cannot get the parents to come forward. I have tried for two years.

So I say the federal government needs to do something with the State Department of Education in this state. It is just a mess.

Mr. **Riggs**. Well, thank you.

I am going to recognize Congressman Scott, but it seems to me that, again, strengthening the law with a provision that requires that a parent must first sign a permission form is one way of getting at these problems.

Dr. **Garcia**. I think you would have me on board if you said that also for sheltered immersion or any other kind of program parents should do that because in Santa Barbara the district has made the decision not to do bilingual ed. Two hundred parents showed up and said, ``We would like this," and they said, ``Tough."

So, you know, they had no parent choice there. So I really think if you are going to do that, then you ought to provide real parental choice. My thinking is that many parents would choose to have Bilingual Education. I have no problem with that. If they choose to have something else, it is fine, but they ought to really have a choice.

Mr. **Riggs**. I appreciate that. I would respond by saying that as a former school board member myself, that that choice vis-a-vis that school district or that local district or that local school's curriculum and, you know, its overall educational goals and the preferred method or methods of bilingual instruction ought to be the purview of the locally elected officials, in other words, the school board.

So Congressman Scott.

Mr. **Scott**. Thank you, Mr. Chairman.

You know, to a certain extent there is a limit to what we can do. You pass a law, and if you have got a school board that just will not understand, there is just a limit to what we can do.

Mr. **Louie**, let me kind of get things in perspective a little bit. The Oakland school board that you were dealing with, you were dealing with the Oakland school board, right?

Mr. **George Louie**. Yes, the Oakland school board, yes.

Mr. **Scott**. Now, is this the same school board that came up with ebonics as a way to qualify for more Bilingual Education to get more money? Is that the same school board?

Mr. **George Louie**. Yes, it is.

Mr. **Riggs**. Thanks for clarifying that for the record.
Mr. **Scott**. I just want to know where we are.

Let's see. Where to start?

Dr. Garcia, you said there were 2,000 applications for Bilingual Education money. How many grants did you have the opportunity to approve?

Dr. **Garcia**. Yes, correct. Close to 2,000 applications, right.

Mr. **Scott**. And how many grants? How many people got money?

Dr. **Garcia**. About 15 percent of those, less 150, 250, 250, about 15 percent of the 2,000.

Mr. **Scott**. So there were a lot of more people looking for money then.

Ms. **Ruiz**, as I understand it, you are satisfied with the federal law. It is the state law that we have a problem with, and I say that because we are up here as federal legislators.

Ms. **Ruiz**. Yes. My school district clients have more of a problem with the state restricting their local discretion and flexibility. You the discretion to apply their educational expertise to best solve the educational problems in their community, and federal law does recognize and allow that. So we are very satisfied with existing federal law.

Mr. **Scott**. Now, in the federal law, parental consent is required?

Ms. **Ruiz**. Parental consent is required, and my districts are statewide that I represent. I mean they go both ways, opting in or opting out. I mean some want permission before you get in the program. Others say, ``No, let's put them in the program and they can only get out if they request to get out."

I think I agree with Dr. Garcia that that should be a matter of local discretion as well.

Mr. **Scott**. Okay. Dr. Garcia, with Mr. Louie's situation, I have kind of heard reference to it. What value is there of putting a totally English speaking student into a bilingual class? Is that good for the English speaking student?

Dr. **Garcia**. Data suggests working with children like Mr. Louie's son, who are living in a metropolitan area speaking English as a primary language. Those children over a five to six year period in a very, very well implemented program will, in fact, achieve bilingual, biliteracy skills. That is, they can actually be what we want our Berkeley students to be, that is, to have another language and achieve very well in English and that other language.

So we have many, many models here in California that we call our two-way bilingual programs in which English speaking children are initially immersed in a language other than English, and then over time essentially allowed to develop English literacy, Spanish literacy, in L.A. Korean, in San Francisco, Chinese.

So is there a potential benefit? Yes. It is always the case this is a good idea? I think it depends on the parental information, the kinds of programs, the kinds of teachers.

Mr. **Scott**. The parent ought to have some choice certainly as, one, whether they want to get into bilingual and, two, what the other language would be. Some might want for one reason or another one language rather than another.

It seems to me that it is of marginal value to force or to preselect the language and to put the English speaking student in a Bilingual Education, and I guess as a follow-up question, is their English proficiency diminished as a result of being in bilingual?

Dr. **Garcia**. Sure. We can answer that directly because in the studies we have done both longitudinally and otherwise, we find that children who are exposed to this kind of program, who are primarily English speakers, that is, their first language, do not suffer academically in these programs.

Mr. **Scott**. Well, now, wait a minute. Let me add on not only their first language, but their only language when they show up. Continue answering.

Dr. **Garcia**. The only language, right. So if you look at those academic achievements, remember we studied schools in which academic achievement was very well detailed for all kids, including children who came from minority language and kids who came speaking only English. We did not find the same kind of stellar academic achievement in the English child's second language, Spanish. They were not doing as well, say, as they might be academically in Spanish, but they were doing excellent in English.

Mr. **Scott**. Ms. Liska indicated that English immersion produced much better results than bilingual.

Ms. **Liska**. That was speaking about my school district.

Mr. **Scott**. Okay. In your school district, immersion did much better than bilingual.

Dr. **Garcia**. For LEP students?

Ms. **Liska**. For LEP students, for limited English students, because when you consider that there 22 schools and there are only--I mean, I do not know whether there are six or seven, but I will just go with seven. Seven of those schools are immersion schools. They are the only ones left, and they are always found in the top ten for redesignation. We have to look at the significance of that in the overall picture, I think.

In our school, as I told you, we had been bilingual, and then about four years later, which is when you would begin to see, K, 1, 2, 3, when you start to see them be redesignated, we took a big jump from--I do not know what it was. I think it was five or six percent to 13.57 percent redesignated at our school, and that is why we did not want to lose that program.

Mr. **Scott**. Now, when you say_

Dr. **Garcia**. Is this a problem in redesignation?

Mr. **Scott**. Wait a minute, Dr. Garcia. Let me get it all in and then you can respond to it all at once.

Dr. **Garcia**. Okay.

Mr. **Scott**. When you say limited English proficiency, are you talking about limited? What about non-English speaking? Does immersion work for them?

Ms. **Liska**. Well, yes, because when these children come into kindergarten, I do not have the percentage. I mean, they are just called limited English proficient. They take a test, the language assessment scale. It is an oral test, and they score anywhere from one to five, one being the low, five being the high.

So you would suppose, one, you would consider them, you know, non-English speakers. Is that what you asked?

Mr. **Scott**. And you are talking about people that come in at kindergarten. What about somebody that arrives in the seventh grade from another country, in the fourth grade or eighth grade?

Ms. **Liska**. Yes.

Mr. **Scott**. Would full immersion work for that student?

Ms. **Liska**. But remember--oh, sorry. Excuse me. Remember when you are saying immersion, you are not talking about submersion where you just stick the kid in the room. Yes, they do need to have that help to bridge that area, I believe, in junior high, high school. I do not know anyone that is saying that they think immersion is you just stick them in there.

I mean every teacher I know, the focus of the whole thing is how are we going to get these limited kids, you know, taught well. How are we going to help them to become English fluent, et cetera, et cetera?

So there would be a difference between what you are--I do not know what you are thinking about.

Mr. **Scott**. If you have a student showing up and there is an English immersion, does the teacher know all of the other languages or are they just thrown in?

Ms. **Liska**. You mean does the teacher speak other languages?

Mr. **Scott** Are there special teacher competences that are required to teach limited English proficiency in an immersion situation?

Ms. **Liska**. Well, you have CLAD, cross-cultural language acquisition and development, and B CLAD, which is the bilingual section of CLAD for those teachers who have taught nine years or less. And you have Senate Bill 1969, which is for those teachers who have taught nine years or more and they are required by the state to take this, to work with the limited English child, B CLAD being the bilingual portion of it.

My feeling on that, after reading one of the books on the CLAD because I have been looking into that--I do not fall under that CLAD and B CLAD thing--but what to say about that? I feel the focus of these classes and to those I have talked to, and these are their words, not mine, because I have not taken it, but that it is nothing more than an indoctrination into Bilingual Education. There does not seem to be much flexibility in these classes.

And so when you talk about teachers being trained, yes, they are forced to take them, but it seems like they are forced to regurgitate just the very narrow thoughts of those in the bilingual academia.

And my friend--

Mr. **Scott**. How does English immersion work with students with a lot of different languages?

Ms. **Liska**. Oh, I see what you are asking. Okay. Well, here is the thing. Let's say that--I am sorry I got off. I did not know exactly what you meant--let's say you are teaching, for instance, in my room, third grade room. I would have a science, living things grow and change. So you are going to do the seed thing, you know.

Well, you would be simplifying the English very much, and of course, this helps everyone actually. You would be using the pictures, the seed, the sprout. You would be talking about these vocabulary words and ask them even in their language what that would mean.

Mr. **Scott**. Does the teacher know all of these different languages? Do you have just one other language in the classroom?

Ms. **Liska**. Predominantly in our district it is Spanish. There are 33 languages in our district, but I think 60 percent are the Spanish speakers.

Mr. **Scott**. And so does the teacher teaching that class have to know Spanish?

Ms. **Liska**. No.

Mr. **Scott**. Okay. Now, if the child cannot speak Spanish, how do they learn the botany or seeds or whatever we are talking about?

Ms. **Liska**. Well, the immersion is in English.

Mr. **Scott**. Right, and so what constructive purpose is served making sounds at a child who cannot understand the language if they do not understand English?

Ms. **Liska**. But remember they have 30 minutes of English language development, and remember that there are instructional assistants also who speak Spanish so that they are also able to help the child, and remember in my situation you may think junior high, high school. I have no knowledge there. I am just talking K through six, and the majority of our children coming in in kindergarten in my school. Then as they come to me, I have seen that great difference.

So I cannot comment really on botany. You know, I do not have that knowledge from junior high, high school.

Mr. **Scott**. I want Dr. Garcia to comment on everything that I have just asked, but I want to ask one of the lawyers. You are shaking your heads.

Ms. **Ruiz**. Yes, I just wanted to clarify that the flexibility and discretion provided under federal law allows school districts to address--you know, you have identified, you know, a real challenging educational issue, which is at the higher levels, when you are into middle school and high school. There is a lot of academic content area that is being conveyed, unlike elementary where most of the curriculum is language arts.

So the issue is how does one address the dual goals in federal law, which is to make sure children learn English and overcome barriers to English language, and that they not suffer irreparable academic deficit.

And the federal courts have said school districts have flexibility to adopt an alternative number of different approaches. They can do bilingual instruction. That is one option. The other option is sequential. You know, for one or six months you can focus on English language development, understanding that they are going to fall behind in botany and mathematics while they are learning English. But then there must be supplemental academic programs to bring those kids up to par with the instruction that they missed out on while they were learning English.

So federal laws allow various solutions, and the federal courts have also said--and there may be other solutions yet, right? We are not educators. The proper solutions are really given and should be deferred to the people that are the educational experts in the field.

Mr. **Scott**. Dr. Garcia, I have asked about eight different questions, and I have told you not to comment on any of them until I got them all in.

You get the last word.

Dr. **Garcia**. Sure. Professors can go on forever, as well. I will try to be brief.

First of all, a little history about sheltered English immersion. Why do that? Where did it come from?

A colleague at the USC, Steve Crasham, who is the father of sheltered English immersion, developed this technique to help children who were instructed in their native language to shift over to instruction in English only. So sheltered English immersion was never intended to teach or to provide instructional implementation to children who speak a language other than English primarily. It was developed as a way to move children who were developing literacy, concepts, content area material in the native language and to shelter them as they moved into English only classrooms. So that is essentially the history.

Now it is being used as the only instrument to help children who speak Spanish and are highly concentrated in that language and essentially ignore the native language. Steve never intended it to be used that way, and sometimes worries about its use that way.

The issue of essentially moving children from limited English proficient status to reclassifying them as fluent English proficient is one that takes into consideration the language, an English language measure, and an academic measure.

This is one thing that really concerns those of us who do research in this area because in order to move a child from limited English proficient status to English status, essentially the child must be achieving at about the 37th percentile in English.

Now, do you want your child just achieving at the 37th percentile? We would think--that is why we started studying kids who were at the 50th or higher. Here is the big problem in setting lower standards for children who do not speak English. Well, if we can get them to the 37th percent, I guess that is good enough.

Really we would like the same kinds of high expectations and the same kinds of standards. Sheltered immersion essentially moves or is aiming to move kids from essentially their native language into English at that reclassification level, 37th percentile. Clearly, that is almost in the bottom quartile. That is where you find LEP kids in an analysis done by Dr. Trashen of Orange County schools--I do not know if it included your school--of which he disaggregated that wonderful CTBS data that is reported by some schools. We are in the top, and we have got all of these kids who do not speak English, and we are using sheltered English immersion.

When you disaggregate that data, as is now required in Title I, thanks to legislation in Improving America's Schools Act, we asked the specific question: how are the LEP kids doing? Your whole school is scoring at the top as an aggregate. How about disaggregating?

When you do that, guess who scores at the lowest in every school? LEP students.

So when you aggregate everybody and you have got essentially a set of kids who are coming from high SES, parents who are educated, and you put them in a school, 25 to 30 percent of them in a school, and you essentially aggregate their data, it looks great. When you disaggregate it, you find out they are doing the poorest.

True across the state; true in the districts. I cannot say it is true in her school. I would like her to comment.

So I ask: are the LEP kids doing as well? Are they at the 70th percentile after instruction in sheltered English immersion?

I would be terribly surprised if that was true.

Ms. **Liska**. And I have no knowledge of that. I do not have any disaggregated information about that.

Dr. **Garcia**. That is the problem.

Ms. **Liska**. All I have is the 13.57 percent, which put us about fourth in the district for redesignation and our CTBS testing. So, you know, I do not know. They do not seem to pull them out.

Dr. **Garcia**. We have to for Title I. We have to.

Ms. **Liska**. And our school is not Title I.

Dr. **Garcia**. Which says something about the school.

Ms. **Liska**. However, we do have 51 percent limited English, and that predominantly is the Spanish speaker.

Mr. **Scott**. Let me get one more question in. Ms. Ruiz or Ms. Sperow, you have heard Mr. Louie's situation. Let me get some free legal advice.

What should have been the outcome of his case based on present law?

Ms. **Ruiz**. We really do not want to speculate. We give no opinion, no free legal advice.

I think that there should have been notice. I mean it's pretty clear that there should be notice given to the parent. Parents have to give their consent for placement, to have their child placed in a bilingual program, and I think Dr. Garcia says that is his understanding of normal practice and procedure in California, and that is my understanding as well

Mr. **Scott**. Thank you, Mr. Chairman.

Mr. **Riggs**. Thank you, Congressman Scott, and, again, thank you for coming clear across the country to participate in our hearings over the last two days. Your participation and contributions have been very, very valuable.

Let me just close by saying, Dr. Garcia, you just a moment ago mentioned Orange County schools. Earlier in our give-and-take, you suggested that perhaps parents should ultimately make the decision in terms of what form, what method of bilingual instruction they prefer or they think best for their children.

And it is interesting you should mention that because isn't it a fact that voters, I assume many, many of them parents, in the Orange County Unified School District voted 86 percent in favor of English immersion? Is that a fact?

Dr. **Garcia**. I do not know if that was parents. You and I might disagree here. If you want to run an election of voters, that is fine, but you want to get parents. That is what I heard you saying, parent choice, not voter choice.

Mr. **Riggs**. I said voters, many of whom, if not most of whom would be parents.

Dr. **Garcia**. Well, let's have some data on that. I would love to have you take a look at that.

Mr. **Riggs**. I will be willing to take you on on that.

Dr. **Garcia**. And whether or not they were limited English speaking students in those homes and all of the rest of that. We would love to do the data. I will do it for you.

Mr. **Riggs**. I would be willing to take that bet. 86 percent of the electorate would suggest that the parents of limited or non-English speaking children, and in fact, it might even be higher and I was wondering if are you aware of any other? Or if any of the witnesses are aware of any other local initiatives or referenda where this issue has been put to the voters of a particular school district?

Dr. **Garcia**. The only way I know it is the way you and I did it, in school boards. You post a position on this issue, and people vote for you or do not vote for you.

Mr. **Riggs**. Granted, but I am talking about a popular vote.

Dr. **Garcia**. I do not know.

Mr. **Riggs**. You know, under the theory one man, one woman, one vote. Okay. So I thought I would mention that.

And given the fact that obviously Anaheim is located in Orange County, why hasn't this had more of an influence on the elected school board of Anaheim city schools, Ms. Liska?

Ms. **Liska**. Do you mean as far as them going to immersion?

Mr. **Riggs**. Right, right.

Ms. **Liska**. Well, I do not know. These are an interesting group of people, you know.

Mr. **Riggs**. I think you can let it go at that. I was just wondering.

Ms. **Liska**. Yeah, I just have no answer for that that I could put on tape.

Mr. **Riggs**. Okay. I also want to just stipulate again that we are really glad Mr. Louie was here today, and Travell has been great. He is obviously a very lovable, a very bright and precocious child.

I find it absolutely inexplicable. I mean this goes well beyond the law of unintended consequences. I just find it inexplicable and unfathomable. I am looking at an Oakland Tribune October 25th article, that school officials in Oakland would confirm that children are being used, and I think the term you used in your lawsuit, they are being used as fillers, to take up extra seats in these bilingual classes.

And I will quote now verbatim from the article. Referring to the lawsuit, Mr. Louie's lawsuit, ``comes at a time of controversy over what some parents see as the use of English speaking children to round out bilingual classes which have a few extra spaces. The practice which school officials confirm sometimes takes place has led to protests and complaints primarily by black parents."

And I submit to you, ladies and gentlemen, that if it happens one time, that is one time too many. I just cannot understand how we can allow that to happen to Travell Louie or to any other fluent English speaking American child. Again, it almost boggles my mind.

So, Mr. Louie, we appreciate your being here today.

And the other thing I wanted to ask was about going back to the technical, is the 75-25 stipulation in current law. You are obviously familiar with that, Dr. Garcia.

Dr. **Garcia**. Yes.

Mr. **Riggs**. You obviously had a role in helping to craft federal policy in your past life. I just want to make sure I have my background information correct here.

In 1974, the program, the federal Bilingual Education program, authorized by federal law, authorized transitional Bilingual Education. Which as we obviously heard today are programs, which use the child's native language in instruction until such time as they are proficient in the English language, as the basic instructional approach to be supported under the Federal Bilingual Education Act.

This provision was amended in 1984 to permit limited funding of instructional approaches other than transitional Bilingual Education. However, the act still requires, the current law today, requires that 75 percent of funds appropriated for local school district programs be used for the support of transitional Bilingual Education.

So the top-down mandate set by law, federal policy, congressional intent, does not provide as much flexibility as it could and perhaps should. This provision has been at the center of the Bilingual Education debate back in Washington. This provision, in my view, should be changed.

I am still waiting because we have heard research on both sides of the issue. I do not think that there is conclusive evidence that transitional Bilingual Education programs are more effective than ESL and sheltered immersion programs in helping children attain the English language skills they need to succeed in school.

Dr. **Garcia**. Mr. Riggs.

Mr. **Riggs**. And, therefore, if you will just let me finish, Dr. Garcia. Therefore, I would like to take you up on your suggestion that we maximize flexibility and local control. And I think our bill would do that because what we are talking about here in our bill is abolishing the 25 percent cap imposed on federal funding for alternative English programs. And put all the funding and all the programs into a single block grant, which would, again, allow the local school district and the locally elected board of education make the decision to offer traditional Bilingual Education as merely one of several English instruction programs that a school or locality could choose from.

So I really think that is the way to go, and that going this way would hopefully address some of the criticisms of the traditional Bilingual Education programs and some of the concerns that we have heard from parents and teachers, including those present here today.

Go ahead, Dr. Garcia.

Dr. **Garcia**. Sure. Keep in mind, and I want to correct you on very important factoid, I think, and that is that we do not have any evidence that native language instruction can, in fact, enhance achievement in English language acquisition. In fact, we do know that. It is very clearly demonstrated in the United States. It is demonstrated around the world that, in fact, if you learn to read once in a language other than English, you learn to read English much faster, much quicker, and you essentially achieve better in that language.

So when you look at the population of students that this country serves, we find that almost 80 percent of the students are Spanish language speakers. You also find that they are segregated, highly segregated, and you find that most of the LEP Spanish speakers are in schools of at least 50 to 60 to 80 percent Spanish speaking students. You do not find, as someone might suggest, lots of schools that have seven to 20 different languages in them. In California, what you find is 80 percent of the kids are Spanish speakers, and most of them are highly segregated schools.

When you have that kind of program, the data is very clear. What you need to use is native language instruction to begin moving those children, a combination of transitional programs, sheltered English, to move them into the English language programs.

So I would argue essentially from the data, from the data, from the data, and that is why it is in the law, that at least for 80 percent of students in this country using some native language instruction is more likely to produce academic achievement in English language acquisition. That is why that provision is there.

However, there still remains much flexibility, and in fact, when we look at proposals coming to the federal government, almost 85 to 90 percent of them are, in fact, asking to use the native language.

So I do not think you are going to save the day by eliminating that provision, and in fact, you may very well hurt a set of students with what you are going to prescribe or allow districts to do something that can be very harmful.

Mr. **Riggs**. Dr. Garcia, let me conclude then by asking you if you think the 75-25 funding split should be more flexible. That is, should the funding--

Dr. **Garcia**. Yes.

Mr. **Riggs**. Because I thought I heard you say earlier today should it be more fungible across all the different Bilingual Education instruction methods and the different Bilingual Education programs. Would you agree that we need more flexibility than current law?

Dr. **Garcia**. I would agree that that is the case if you would agree with me that you ought to go against an Uhns initiative, which is sheltered English and is one size fits all.

So I think in theory, but I think in practice we have to be careful essentially that we give some guidance to local school districts, understanding what best serves them. I would not mandate it. I would not say absolutely have to. I have seen school districts moving in that direction or being turned down for federal funding because of that provision.

Mr. **Riggs**. Okay. Well, Mr. Uhns and the other supporters of the initiative can defend themselves, but I understand that Bilingual Education would remain an option which parents could request for their children under the Uhns or the English for Children initiative.

Congressman Scott.

Mr. **Scott**. Mr. Chairman, I just wanted to respond to your use of apparently a referendum or a poll to justify your position on this. This is a very complicated issue, and when people respond to the polls or voter referendums, they are really responding to the sound of the proposal and not the substance.

People in a referendum are not able to weigh the evidence. Whoever has the most money for the best advertisements is the information people get. People really cannot deliberate one way or the other on the pros and cons.

You cannot amend the proposal. It is take it or leave it. It might be good idea if you make an exception here or make an exception there or improve it here. You cannot amend. It is take it or leave.

There is another reason that I do not think this should be subject to the results of a referendum, and that is the rights of parents. The civil rights of parents to have their children get a decent education cannot be diminished by popular vote. It does not matter whether 90 percent of the people want some kids educated or want to pay for education for some kids. They have an absolute right to an education, and if they are on the short end of an 89 to 11, it does not matter, or 99 to one. They have a right to an education.

So there are some things that I think are just inappropriate for referendum, and this is one of them.

Thank you.

Mr. **Riggs**. Okay. Thank you.

And I would point out that if we are all concerned about the rights of parents, again, we obviously have to be concerned about Mr. Louie's rights as well because that is more than an administrative goof-up or bureaucratic SNAFU by one district. It is the district saying that we are obligated or that we are required to do this by law and imposing that policy to the point where, again, as Mr. Louie suggests in his lawsuit and as the Oakland Tribune reports, you have children being used as fillers to take these extra classroom spaces.

That to me shows that the law has run amuck and that we have a problem that needs fixing.

Go ahead, Mr. Louie. You will get the last word.

Mr. **George Louie**. I am personally aware of over a couple dozen kids that have been placed in bilingual programs against their parents' wishes. A couple of dozen I have personal knowledge of at the Lincoln School, and I believe it is Ria Vista or something like that, but personal, a couple of dozen. It is not an isolated incident, and you know it is widespread, widespread.

Mr. **Riggs**. Well, Mr. Louie, thank you, and I hope we can address your concerns and the concerns of other parents who find themselves in similar circumstances by strengthening the parental notification, parental rights provisions of current law.

Again, I want to thank all of our witnesses for being with us today, and with that the Subcommittee on Early Childhood, Youth and Families field hearing stands adjourned.

[Whereupon, at 4:45 p.m., the hearing was adjourned.]

APPENDIX A- WRITTEN STATEMENT OF CHAIRMAN FRANK RIGGS

Opening Remarks
THE HONORABLE FRANK RIGGS
CHAIRMAN
SUBCOMMITTEE ON EARLY CHILDHOOD, YOUTH AND FAMILIES
Hearing on
BILINGAUL EDUCATION REFORM
February 18, 1998
San Diego, California

I welcome you to today's hearing on a topic of increasing interest to the families of limited English proficient children: bilingual education.

The success of every new wave of immigrants coming to the United States in search of the American dream has always been dependent on several factors: their willingness to work hard to succeed; their ability to mainstream into society; and, most importantly, their ability to learn the English language.

Over the years, a variety of programs have been established to help our new citizens gain the English language skills they need to succeed. Immigrants have aggressively sought out these services. For example, over forty percent of new entrants into adult education classes are individuals seeking to learn the English language.

But it is much easier to help adults. Many immigrant family members already have completed their basic education and only need to learn English to continue their schooling or obtain a job.

For children, it is a different story. If they come to our country when they are ready to enter school, they have twelve years of education before them.....and much of their ability to succeed in school is dependent on their ability to read, write, speak, and think in English.

The problem is that many children are not learning English. They sit for years in classes where they receive all of their instruction in their native language. Are these children being taught English? Yes, but, unfortunately, such instruction is limited and they end up spending far too many years in bilingual classes. This prevents them from mainstreaming into society, from communicating with their peers and from learning the skills they need to be successful once they leave school.

Bilingual education classes were intended to keep children current in their other academic classes while learning English so they wouldn't fall too far behind and end up dropping out. However, statistics reveal that nationally over one -third of Hispanic students do not complete high school This figure jumps to a 50 percent in California. This is simply not acceptable.

The parents of these children did not bring them to our country to be relegated to low paying jobs. They brought them here to have the same opportunity for success as all other children. They want for their children the opportunity for them to become doctors, lawyers, teachers or whatever else they want to be.

I am very concerned about the consequences of isolating children who are not fluent in English. Children who cannot communicate well with their English-speaking peers are often the same children who join gangs, who find a place to belong because they don't feel they belong in school. As a former police officer, I have witnessed the many dangers of gang involvement first-hand. We need to offer these children other options, other alternatives to the streets. The ability to speak English will also open the door to many alternative activities, such as after-school sports programs.

Such programs are the type of prevention efforts I also am seeking to encourage in moving through the legislative process H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act.

This bill, which I sponsored in the House of Representatives, supports prevention and intervention activities aimed at eliminating juvenile involvement in delinquent activities. Many youth who engage in delinquent behavior are failing academically or have dropped out of school. Therefore, many of the activities supported by this bill have an educational component to help youth stay in school or return to school if they have dropped out. It also provides assistance to help deter youth from involvement in gangs.

I am also concerned that many schools are ignoring the wishes of parents regarding the participation of their children in bilingual education classes. For example, it took Erika Velasquez two years to have her son, who is fluent in both English and Spanish, removed from a class for Spanish speakers. While their intentions may have been good, his elementary school was preventing her son, Tony from mainstreaming into a regular class room and confusing him as to what language he was to be using.

It is my view that the major focus of any class for limited English speaking children should be the attainment of the English language skills they need to mainstream into regular classrooms as soon as possible. While bilingual education may work for some children, it has not proven itself to be the most effective solution for all children.

It is time that we review and reform the current federal Bilingual Education Act. States, local communities and parents should be given the right to select the method of English language instruction most appropriate for their children.

I know today's witnesses have a great deal to say about the current bilingual education program and I look forward to receiving their testimony.

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APPENDIX B- WRITTEN STATEMENT OF MR. GEORGE LOUIE

STATEMENT OF GEORGE S. LOUIE,

PARENT OF TRAVELL DeSHAWN LOUIE

SUBCOMMITTEE ON EARLY CHILDHOOD, YOUTH, AND FAMILIES
COMMITTEE ON EDUCATION AND THE WORKFORCE
UNITED STATES HOUSE OF REPRESENTATIVES

HEARING ON BILINGUAL EDUCATION - IS IT WORKING?
WEDNESDAY, FEBRUARY 18, 1998
SAN DIEGO, CALIFORNIA

Thank you Mr. Chairman and distinguished members for giving me the opportunity to tell you my story about the horrors that my son and I experienced under the current bilingual education system. Additionally, I would like to thank U.S.ENGLISH, the Pacific Legal Foundation, and the Center for Equal Opportunity for their assistance in trying to get my son, Travell, the help he needs, and for their assistance in allowing me to appear before you today in order to help the thousands of other children who also aren't being served by the current bilingual education system.

In May of 1997, I enrolled my son, Travell DeShawn Louie, in a kindergarten class at Lincoln Elementary School in Oakland for September 1997 classes. Travell began kindergarten that fall, and it was my assumption that he was enrolled in a mainstream, English speaking class. One September day, I showed up early to pick up Travell, and to my astonishment, I found the class being conducted entirely in Chinese, in the

Cantonese dialect. I stayed in class for 45 minutes and not one word of English was spoken.

When I first discovered that the school district had placed Travell, an American born, native-English speaker, in a Chinese bilingual program, I figured that this must have been a horrible mistake. So, I immediately tried to remedy the situation. When I spoke with authorities from the school, I was outraged to learn that Travell was placed in that class on purpose to fill seats. Apparently, four Cantonese bilingual education classes were being offered with room for 26 students each, for a total of 104 students. This had been set up in June of 1997. As I understand it, since there weren't enough Cantonese students with limited English proficiency to fill the class, and since the school district was getting extra funding for each student enrolled in their bilingual education classes, native English speaking children were placed in the class to fill the seats. My innocent, 5-year old son was randomly chosen to be punished by a system that rewards schools for ***NOT*** providing him with the education he needs and deserves.

Since Travell had never spoken a word of Cantonese, or any other dialect of Chinese for that matter, I knew that I needed to get Travell out of that class and it seemed ludicrous to me that my request was being denied. But, I didn't know where to begin. The bilingual education bureaucracy was so complex and its procedures so convoluted, that I was simply overwhelmed. Over the course of the last six months, in an attempt to get Travell the education he deserves, I have had meetings with James Patrick, General Counsel to the Oakland School Board, Steve Stevens, Administrative Assistant to the Oakland Schools Superintendent, and Wendy Lee, Principal of Lincoln Elementary School. Additionally, I have made over 75 phone calls --- let me repeat that, ***75 calls*** --- to school officials, state and federal education officials, as well as supportive faculty and parents. Remarkably, all of these efforts were met with minimal response and resulted in a refusal to place Travell in a mainstream, English-speaking kindergarten class. Currently, I am involved in litigation with the state of California to force the school to place Travell in a classroom where he will be able to understand what is being taught.

According to the school's own records, there are enough English proficient students scattered throughout the four Cantonese classes to fill a separate English-taught kindergarten class. If the bilingual education system indeed has the noble intention of bringing non-English speaking kids up to English proficiency, the unfortunate side effect has been that my son is learning nothing. Travell, and the other dozens of students like him in Lincoln Elementary School, as well as the countless number of students trapped in a bureaucratic nightmare because of a system that financially rewards districts with bilingual education programs, are not getting the education they need or deserve.

Prior to beginning kindergarten, Travell was enrolled in a Head Start program where he was well behaved and enjoyed his schoolwork. While he has shown promise and enthusiasm in his Head Start class, today, school officials are robbing my son of his education. Travell is not learning in this setting and, in my opinion, he is taking steps backwards, so he is getting restless. Now, he is accused of disrupting the class. Perhaps his disruption is a cry for help from a child raising his hand out of the frustration caused by being a five-year old boy in a classroom where he doesn't understand what's being said.

I am Travell's father and sole guardian. It is my belief that parents have a fundamental interest in the education of their children and, if their children are to be successful, they must be provided a strong education in English. That is why I have requested that Travell be granted the same educational opportunities as any other American child. But the bilingual education bureaucracy, built into the larger government system of rewarding and encouraging an educational philosophy that does not work, has denied my request to grant him that opportunity. No parent or child should have to endure this continual frustration during the most important and formative years of a child's education.

I thank you once again for this opportunity to tell my story and hope that by sharing this one example of a system gone drastically awry that together we can make a difference. I further hope that you will continue to work to reform education, and specifically the bilingual education system, so that all children get the education that they deserve.

Mr. Chairman and members of the committee, I have had to face many challenges in life, but I am working my hardest to allow Travell to have the education and opportunities that I never had. So, I implore you: reform bilingual education and let Travell, and all the other innocent children trapped in a similar situation, get the education they deserve.

APPENDIX C- WRITTEN STATEMENT OF DR. GARCIA

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Eugene E. Garcia		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	[✓ No]
2. Are you testifying on behalf of an entity other than a Government entity?	Yes	[✓ No]
3. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1995: Oct 1, 1997-Sept 30, 1998: "Roots and Wings," with the Berkeley Unified School District Jan 1, 1997-June 30, 1998: "High Performance Learning Communities," with RPP International		
4. Other than yourself, please list what entity or entities you are representing:		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4:		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question 4 since October 1, 1994, including the source and amount of each grant or contract:		

Signature: ____________ Date: 2/14/98

Please attach this sheet to your written testimony.

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PERSONAL INFORMATION: Please provide the committee with a copy of your resume (or a curriculum vitae) or just answer the following questions:

a. Please list any employment, occupation, or work related experiences, and education or training which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:

See attached Resume

b. Please provide any other information you wish to convey to the Committee which might aid the members of the Committee to understand better the context of your testimony:

I Served as Director of The U. S. Department of Education's Office of Bilingual Education and Minority Languages Affairs from 1993 to 1995.

Please attach to your written testimony.

Eugene E. García

Education	1968-1972	Ph. D., University of Kansas; Human Development
	1976-1977	Post-Doc., Harvard University, Psycholinguistics
	1979-1980	Post-Doc., Nat'l Research Council
	1983-1986	Post-Doc., Kellog Nat'l Fellow
Languages	Spanish	(Native Speaker)
	English	
	German	
Areas of Professional Specialization	Human Development	
	Education	
	Psycholinguistics	
	Bilingualism	
Professional Experience	1972-1976	Asst. Prof. - Assoc. Prof., Dept. of Psychology, Univ. of Utah
	1976-1980	Assoc. Prof. - Prof., Dept. of Psychology; Chair, Dept. of Chicano Studies, Univ. of California, Santa Barbara.
	1980-1987	Prof. of Ed., Director, Bil. Ed. Research Center, College of Educ., Arizona State University
	1987-1990	Prof. of Ed. and Psyc.; Chair, Ed. Dept., Univ. of California, Santa Cruz
	1990-1993	Prof. of Ed. and Psyc.; Dean, Division of Soc. Sciences; Co-Director, National Center for Research on Cultural Diversity and Second Language Learning (A U.S. Dept. of Ed. Center), Univ. of California, Santa Cruz
	1993-1995	Senior Officer and Director of the Office of Bilingual Education and Minority Languages Affairs, US Department of Education, Washington, DC
	1995-Present	Prof. of Education; Dean, Graduate School of Education, Univ. of California, Berkeley

Awards

1991 American Education Research Association Senior Research Award.
U.S. Department of Education
1986 LULAC U.S. Hispanic Educator of the Year
1983-86 Kellogg National Fellow
1980-81 National Research Council Fellow
1976-77 Post Doctoral Fellowships, Harvard University
1976 Junior Chamber of Commerce, Young-Man-of-the-Year Award
1971 Ford Foundation Fellow
1967-68 NSF Undergraduate Fellow
1967, 71 NDEA Title IV Fellowship
Phi Beta Kappa, University of Utah
Sigma Cum Laude, University of Utah

Grants

1991-93 National Center for Research on Cultural Diversity and Second Language Learning, (with B. McLaughlin); $6.5 million

1991-93 Kellogg Foundation Leadership Development for Emerging Majority Students; $100,000

1989-91 California State Department of Education, "Evaluation of LEP Education in California: Effective Instruction" (with B. McLaughlin); $80,000

1989 Organization for Education, Co-Operation and Development (Paris, France), "Case Studies of Strategies to Improve Educational Results for Ethnic Language Minority Students in Two California Schools" (with L. Pease-Alvarez); $10,000

1988-91 UC Language Minority Research Project, "Linguistic, Psychological and Contextural Factors in Language Shift" (with K. Hakuta, B. McLaughlin, R. Henderson, G. Matute-Bianchi, A. Hurtado); $150,000

1988-90 California Policy Seminar, "Effective Schooling for Hispanics" (with K. Hakuta, B. McLaughlin, G. Matute-Bianchi, R. Henderson, A. Hurtado); $78,000

1988-89 UC Presidential Grants for School Improvement, "Collaboration for School Improvement: The Middle School Project" (with K. Hakuta, B. McLaughlin, G. Matute-Bianchi, R. Henderson, A. Hurtado, E. Landesman); $55,000

1986-89 US Office of Education, "ESL Professional Preparation"; $312,000

1986-89 US Office of Education, "Mountain State Multifunctional Support Center" (with J. Red Horse); $1,500,000

1985-87 Ford Foundation and the Social Science Research Council, "Effective

Schooling for LEP Students" (with A. Prieto, B. Flores, R. Carrasco); $96,000

1983-86 US Office of Education, "Cognitive Assessment of Computer Assisted Bilingual Instruction" (with Tempe Elementary School District); $200,000

1982-84 National Science Foundation, "Cognition and Communicative Competence" (with R. Rueda, A. Prieto); $65,000

1981-87 US Office of Education, "Bilingual Preschool Intervention Demonstration" (with Phoenix Elementary School District); $700,000

1981-82 National Institutes of Education, "Bilingual Development--A Five Year Follow-up;" $15,000

1979-80 National Institutes of Education, "Analysis of Linguistic and Social Interaction;" $78,000

1973-77 HEW, Office of Child Development, "Bilingual Research Program"; $150,000

Selected Publications

Books

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Garcia, E. (1994) Understanding and Meeting the Challenge of Student Diversity. Boston, MA: Houghton Mifflin Company.

Hurtado, Aida and Garcia, E. (1994) The Educational Achievement of Latinos: Barriers and Successes. Santa Cruz, CA: University of California Latino Eligibility Study (Edited Volume).

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August, D., and García, E. (1988) Education of Language Minority Students Research, Policy and Practice. Chicago, IL: Thomas Publishing Co.

García, E. and Flores, B. (1986) Language and Literacy Research in Bilingual Education. Arizona State University, (Edited Volume).

García, E. and Padilla, R. (1985) Advances in Bilingual Education Research. Tucson, AZ: University of Arizona Press (Edited Volume).

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Articles/Chapters

Garcia, E. (in press). Preparing instructional professionals for linguistically and culturally diverse students. In J. Sikula et al. (Eds.) Handbook on research on teacher education. York, PA: Spectrum Publishing

Garcia, E. (1995). Educating Mexican American students: Past treatments and recent developments in theory, research, policy and practice. In J. Banks and C.A. McGee Banks (Eds.) Handbook on research on multicultural education New York, McMillan, 372-384.

Garcia, E. and Colon, M. (1995). Interactive journals in bilingual classrooms: An analysis of language "transition". Discourse Processes, 19, 39-56.

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Educational Equity and Excellence for LEP Students in High Performance Learning Communities

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(2/18/98, Comm. on Ed. and Workforce Hearing)

No one argues about the significance of education in this country. We are all quite convinced that an educated society is beneficial for sustaining and enhancing individual well-being, our standard of living and maintaining a democratic society (Dewey, 1921). Moreover, education is perceived as a vehicle for achieving the "American Dream." Therefore it is not surprising that numerous social institutions have attempted to initiate and maintain their educational endeavors in conjunction with efforts in the public schools. In fact today's adult will have been exposed to more formal educational experiences (courses, workshops, seminars, conferences, etc.) outside of the usual kindergarten-high school process than within it. Education in this society, from cradle to grave, is important to our citizens.

If so, then, equal access to educational opportunities is a corollary to this basic assumption. This was clearly brought home by the US. Supreme Court decision of 1954 in Brown v. Board of Education. This landmark case concluded that separate/segregated education for Black Americans was unequal to that education provided for White Americans. In essence, the court argued that every effort must be made to address equal access to education regardless of race. This decision was reinforced for Hispanic Americans, Asian Americans and Native Americans, women, and all children in poverty in the significant US. Congressional activity during the 1960-70's "War On Poverty" era. The major legislative piece, the 1964 Civil Rights Act, in Title IV of that act, banned discrimination on the grounds of race, color, or national origin in any program receiving federal financial assistance (Title VII of that act address educational equity across gender). Not coincidentally, the Elementary and Secondary Act of 1965 began to provide millions of federal dollars in assistance to state and local school systems. This same commitment to educational equity was affirmed in the most recent passage of the Improving America's School Act of 1994. Taken together, these legislative initiatives placed the societal values regarding the importance of education into a form of direct relevance to underachieving populations. In essence, any child, regardless of race, color, gender, national origin, language and family economic status is entitled, equally, to the benefits of educational endeavors. This equal educational approach to the consistent number of under achieving students pervaded our schools for over a decade, and is still a part of what drives many educational initiatives for these students. Yet, this emphasis on equal access has not been the only stimulus driving our educational interest for these students. A significant research strand has attempted to reconstruct the schooling experience in such away that will go beyond access towards academic success and excellence.

TOWARD AN IMPROVED CONCEPTUALIZATION OF AN EDUCATIONAL FRAMEWORK FOR UNDER ACHIEVEMENT

"Equal Educational Opportunity" efforts have failed to address a number of important educational concerns. For the most part they have lacked strong theoretical foundations, addressed only curriculum--not instructional methods or pedagogy, produced many single case studies of "success", and produced little empirical data to substantiate the positive effects of implementation. As indicated previously, academic achievement in many student populations in poverty has not been enhanced significantly over the past decades. Equal educational opportunity activity has and continues to generate legislative and legal policy along with concomitant resources to address this core societal value. But such action has not addressed, in any comprehensive manner, how educational equity should be achieved. Moreover, educational inertia in and around these educational endeavors has similarly espoused important societal values and has led to advances in a number of educational fronts. But, they have not produced a set of comprehensive strategies which address the educational concerns it has raised (Sleeter, 1995). Therefore the result of these educational equity reform initiatives has been to raise issues. The legacy of an equal educational opportunity reforms placed a spotlight on a set of problems--discrimination, desegregation, under-achievement, low self-esteem, non-English proficiency, etc.--and have forwarded programs to address these problems. In doing so, these efforts tended to lack any substantive theoretical underpinnings. Instead, the proposed solutions were driven by the social values associated with educational equity. Conversely a more substantive approach would still consider the "problems"--discrimination, under achievement, desegregation, etc.--but would attempt to first understand why such problems exist, and, then address solutions from those set of understandings (Delpit, 1995; Garcia, 1994; Lanson-Billings, 1994).

A RESPONSIVE PEDAGOGY: ADDRESSING UNDER ACHIEVEMENT WITHIN HIGH PERFORMANCE LEARNING COMMUNITIES

We frame this discussion in a broad educationally relevant theoretical continuum. At one end of this continuum, it is argued that addressing under achievement calls for a deeper understanding of the interaction of a students' own sociocultural teaching/learning background and the prevailing school teaching/learning culture (Cole, 1996; Garcia, 1994). This sociocultural significance position is supported by a rich contribution of research which suggests that the educational failure of many student populations is related to this culture clash between home and school. Evidence for such a position comes from Boykin (1986) for African American students, Heath (1983) for poor white students, Wiesner, Gallimore, and Jordan (1988) for Hawaiian students, Vogt, Jordan and Tharp (1987) for Navaho students, Garcia (1988, 1991) for Mexican American students and Rodriguez (1989) for Puerto Rican students. In essence, these researchers have suggested that without attending to the distinctiveness of the contribution of what the student brings, educational endeavors for these students is likely to fail.

Figure 1
Addressing Student Achievement:
A Continuum of Theoretical Perspectives

School Culture-
Home Culture Dissonance<——————>PEDAGOGY <————> General

RESPONSIVE PEDAGOGY

"What we know works"
General
Principles for
Teaching & Learning

To facilitate the discussion of how considerations of sociocultural variables can be integrated into the development of a pedagogy and practices that improve the educational conditions of diverse students, Figure 1 provides a depiction of the continuum of approaches suggested by the literature reviewed briefly here. Theoretically, students do not succeed because the difference between school culture and home culture lead to an educationally harmful dissonance. The challenge for educators is to identify critical differences between and within students, their families and communities and to incorporate this information into classroom practice. In this manner, the individual and the cultural milieu in which that individual resides receives educational attention.

At the other extreme of this theoretical continuum lies the position that instructional programs must insure the implementation of appropriate general principles of teaching and learning. The academic failure of any student rests on the failure of instructional personnel to implement what we know "works". Using the now common educational analytical tool known as meta-analysis, Walberg (1986) suggests that educational research synthesis has identified robust indicators of instructional conditions which have academically significant effects across various conditions, and student groups. Other reviews (Baden & Maehr, 1986; Bloom, 1984; Slavin, 1989; 1995) have

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articulated this same position. In this vein, a number of specific instructional strategies including direct instruction (Rosenshine, 1986), tutoring (Bloom, 1984), frequent evaluation of academic progress (Slavin & Madden, 1989) and cooperative learning (Slavin, 1989; 1995) have been particular candidates for the "what works" category. Expectations play an important role in other formulations of this under achievement dilemma. Levin (1989) and Snow (1990) have suggested that students, teachers and school professionals in general have low academic expectations of culturally and linguistically diverse students. Raising student motivation in conjunction with enhancing academic expectations with challenging curriculum is a prescribed solution. Implied in this "general principle" position is that the educational failure of "diverse" populations can be eradicated by the systemic and effective implementation of these understood general principles of instruction which work with "all" students.

Interspersed within this continuum are other significant conceptual contributions which attempt to explain the academic under achievement of culturally and linguistically diverse students. Paulo Freire (1970) has argued that educational initiatives cannot expect academic or intellectual success under social circumstances which are oppressive. He and others (Cummins, 1986; Pearl, 1991) suggest that such oppression taints any curriculum or pedagogy and only a pedagogy of empowerment can fulfill the lofty goals of educational equity and achievement. Similarly, Bernstein (1971), Laosa (1982), and Wilson (1987) point to socio-economic factors which influence the organization of schools and instruction. Extensive exposure, over generations, to poverty and related disparaging socio-economic conditions, significantly influence the teaching/learning process at home, in the community and in schools. The result is disastrous, long-term educational failure and social disruption of family and community. Ogbu and Matute-Bianchi (1986) offer an alternative, macro-sociological perspective with regard to the academic failure of culturally and linguistically diverse students. Such a conceptualization interprets this country's present social approach to several immigrant and minority populations as "caste-like." In this theoretical attempt to explain under achievement, there theorists argue that these populations form a layer of our society that are not expected to excel academically or economically and are therefore treated as a "caste-like population." These expectations are transformed into parallel self-perceptions by these populations with academic under achievement and social withdrawal is the result.

Clearly, the above conceptualizations are not presented here in any comprehensive manner. Moreover, the "sociocultural" to "general principles" continuum need not be interpreted as a set of incompatible approaches in the attempt to understand the educational circumstances of culturally diverse students. Instead, this short introduction should make evident that a wide variety of scholars have seriously dealt with this topic of attempting to understand why so many culturally and linguistically diverse students are not well served by today's educational institutions. These conceptual contributions have not exclusively espoused educational equity. Instead they have attempted to address the issues surrounding the challenges of educating a uder achievingculturally diverse population by searching for explanations for those conditions.

These contributions take into consideration the work of Anyon (1995), Cummins (1979, 1986), Brice-Heath (1986), Freire (1970), Levin (1988), Ogbu (1991), Rose (1995), Trueba (1987),and Tharp and Gallimore (1989) who have suggested that the schooling vulnerability of poor and linguistically and culturally diverse students must be understood within the broader contexts of this society's circumstances for students in and out of schools. That is, no quick fix is likely under social and schooling conditions which mark the student for special treatment without consideration for the psychological and social circumstances in which that student resides. This approach warns us against the isolation of any single attribute (poverty, language difference, learning potential, etc.) as the only variable of importance. This more comprehensive view of the schooling process includes an understanding of the relationship between home and school, the psycho-socio-cultural incongruities between the two and the resulting effects on learning and achievement (Cole, 1996).

Responsive Pedagogy. The implication of this re-thinking has profound effects for the teaching/learning enterprise related to under achieving students (Garcia, 1994). This new pedagogy is one which redefines the classroom as a community of learners in which speakers, readers, and writers come together to define and redefine the meaning of the academic experience. It might be described by some as a pedagogy of empowerment (Cummins, 1986), by others as cultural learning (Heath, 1986; Trueba, 1987), and others as a cultural view of providing instructional assistance/guidance (Tharp & Gallimore, 1989; Cole, 1996). In any case, it argues for the respect and integration of the students' values, beliefs, histories, and experiences and recognizes the active role that students must play in the learning process. It is therefore a *responsive pedagogy*, one that encompasses practical, contextual, and empirical knowledge and a "world view" of education that evolves through meaningful interactions among teachers, students, and other school community members. This responsive pedagogy expands students' knowledge beyond their own immediate experiences while using those experiences as a sound foundation for appropriating new knowledge.

Of course, a pedagogy that is responsive to the dynamics of social, cultural, and linguistic diversity within the broader concerns for high academic achievement both requires and emerges from a particular learning environment. While considerable work has been devoted to restructure schools and change the fundamental relationships that exist among school personnel, students, families, and community members, seldom have these efforts included attention to the unique influences of the sociocultural dimensions of these same relationships and structures. The environments that potentially support and nurture the development of a responsive pedagogy are not unlike those promoted by leading school reform and restructuring advocates; however, we further suggest that the incorporation of social, cultural, and linguistic diversity concerns creates a set of educational principles and dimensions that are more likely to address the challenges faced by schools that must attend to the needs of growing populations of diverse and under achieving students.

High Performing Learning Communities. The learning environments that we consider essential to the development of a responsive pedagogy are referred to as "Effective Schooling" (Garcia, 1997) and high performing learning communities (Berman, 1996). The focus on the social, cultural, and linguistic diversity represented by students in today's public schools further challenges us to consider the theoretical and practical concerns relative to ensuring educational success for diverse students. That is, high performing learning communities must necessarily address issues several issues which fous on classroom practice in order to maximize their potential and to sustain educational improvement over time. To further examine this challenge, Chart 1 summarizes the conceptual dimensions of a responsive pedagogy for high performing learning communities.

Chart 1: Conceptual Dimensions of a Responsive Pedagogy

Schoolwide Practices

- A vision defined by the acceptance and valuing of diversity and high achievement for all students.
- Treatment of classroom practitioners as professionals, colleagues in school development decisions
- Characterized by collaboration, flexibility, enhanced professional development
- Elimination of policies that seek to categorize students rendering their educational experiences as inferior or limiting for further academic learning
- Reflection of and connection to surrounding community–particularly with the families of the students attending the school

Instructional/Teacher Practices

- High levels of language and literacy skills and awareness by teachers
- High expectations of all students
- Treatment of student diversity as an asset to the classroom
- Ongoing professional development on issues of research on practices that are most effective
- Focus on maximizing student interactions with teachers and students.
- Focus on academic development through meaningful interactions and communications

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RESEARCH QUESTIONS

We turn now to outlining a research agenda designed to pursue the challenge of improved teaching and learning. Just as there are certain elements of schoolwide, instructional and teaching practices that increase the likelihood that under achieving students can be academically successful, the literature reviewed here also provides considerable guidance in the particular research questions that can serve as a starting point for developing useful strategies for schools.

Beginning with the core issue of student engagement in the classroom, we are reminded by the literature on language and literacy acquisition that students are much more likely to be engaged learners in environments in which the curriculum and teaching approaches build on the resources of the students (Wong Fillmore 1991; Pease-Alvarez, et al. 1991). This requires that teacher familiarity with, or ideally a close connection to, the home communities that the students represent in the schools in order to begin to develop practices that reflect the kinds of experiences that serve as a basis upon which students can build an understanding of complex ideas and new concepts (Pease-Alvarez, et al. 1991). In addition, engaged learning for students necessitates considerable time devoted to interactions with each other and with the adults in the school community that can help to develop improved social and communication skills, as well as create a "safe" environment in which to learn. Finally, assessments of the progress that students are making in learning various subjects, developing conceptual understandings of subjects, and acquiring particular skills, need to be aligned with the curricular and instructional goals set forth; and, assessments have to involve all students as a means of truly gauging the quality of the learning environment (Garcia and Gonzalez, 1995).

With these elements in mind, the following specific research questions emerge:

How are language, culture and student existing resources incorporated into the instruction, curriculum and assessment practices particularly in areas of literacy and mathematics; how are these practices related to student achievement?

What are the resources, experiences, and structures that contribute to the professional development of the school community; how are these related to student achievement?

What is the school vision and mission(s); how are issues of equity and excellence addressed in these; and, how are these articulated for/to teachers, students, district and school administrators and policy bodies, and parents?

How do power relationships in society and the educational and local community get embedded in the school that enhance student achievement?

What are the prevailing norms and underlying beliefs that shape the roles, expectations and standards; how do these change as schools create and implement new policies and practices aimed at developing high performance learning communities, particularly as they related to instructional and teacher practices.

CONCLUSION

In summary, an effective instructional staff recognizes that academic learning has its roots in processes both out-of-school and in-school. Such a conceptual framework indicates that a focus on broader issues of equity--beyond issues related to equal educational access. A focus on social interaction encourages students to construct and reconstruct meaning, and seek reinterpretations and augmentations to past knowledge within compatible and nurturing social contexts. A focus on what students bring to the schooling process generates a more asset/resource oriented approach versus a deficit/needs assessment approach. Within this knowledge-driven, responsive pedagogy and engaging learning environment, skills are tools for acquiring knowledge, not a fundamental target of teaching events (Cole, 1996; Garcia, 1994; Tharp & Gallimore, 1989).

In addition, the search for general principles of learning which work for all students must be redirected. This redirection considers a search for and documentation of particular implementations of "general" and "non-general" principles of teaching and learning which serve a diverse set of environments, in and out of school. This mission requires an understanding of how individuals with diverse sets of experiences, packaged individually into classrooms, "make meaning", communicate that meaning and extend that meaning in social contexts we call schools. Such a mission requires in-depth treatment of the processes associated with how such understanding is actually transformed into pedagogy and curriculum which results in high performance learning communities for all students.

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APPENDIX D- WRITTEN STATEMENT OF MS. CATHY LISKA

STATEMENT OF CATHERINE E. LISKA

TEACHER
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1001 S. EAST STREET, ANAHEIM, CA 92805

SUBCOMMITTEE ON EARLY CHILDHOOD, YOUTH AND FAMILIES
COMMITTEE ON EDUCATION AND THE WORKFORCE
UNITED STATES HOUSE OF REPRESENTATIVES

HEARING ON BILINGUAL EDUCATION--IS IT WORKING
Wednesday, February 18, 1998
City Administration Building
San Diego, California

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Catherine E. Liska		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No x
2. Are you testifying on behalf of an entity other than a Government entity?	Yes	No x
3. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1994: None		
4. Other than yourself, please list what entity or entities you are representing: None		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4:		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question 4 since October 1, 1994, including the source and amount of each grant or contract:		

Signature: Catherine E. Liska Date: 2·14·98

Please attach this sheet to your written testimony.

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PERSONAL INFORMATION: **Please provide the committee with a copy of your resume (or a curriculum vitae) or just answer the following questions:**

a. Please list any employment, occupation, or work related experiences, and education or training which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:

I have worked in the Anaheim City School District since 1971. I have taught first, second and third grades, respectively.

When I moved from Paul Revere School in 1981, to John Marshall School, I began working more with limited English students.

I feel my twenty-six years experience in the classroom, as well as my recent independent studies concerning the bilingual issue, qualify me to testify on the subcommittee's hearing: "Bilingual Education--Is It Working."

b. Please provide any other information you wish to convey to the Committee which might aid the members of the Committee to understand better the context of your testimony:

I am the author of a manuscript titled: *A Procedural Error:* Conspiracy of Silence, presently being considered for publication by two New York publishers.

In 1995, as a twenty-four year veteran teacher in the Anaheim City School District, (ACSD) I began to uncover the shocking and disturbing story of a school district pressured by the California Department of Education's (CDE) mandates and possible loss of funding, to illegally place Spanish-speaking students in its bilingual program.

The manuscript includes my three addresses before the ACSD Board of Education, addresses given before the State Board of Education by others, showing the CDE"s rigid rules to restrict district's from making their own decisions about how best to educate their English learners. In the appendix are interviews done with parents, who were kept ignorant of their civil rights by ACSD, forms and letters from the ACSD and their redesignation statistics, etc.

The manuscript is fully documented, with nine pages of references. It is interspersed with letters written by Allan Keown--Deputy General Counsel for the CDE, Anne Marie Taylor--Department of Education/Office of Civil Rights, Stanley Diamond--Chair of the California English Campaign, as well as Curt Pringle, former Assembly Leader, and others. Excerpts from newspaper articles, studies conducted on immersion and leading thinkers' findings in the field of second language acquisition, which refute the stance of my district's entrenchment in the bilingual philosophy, add to the disturbing story of the ACSD and its Board of Education.

Excerpts from my manuscript, (included in my testimony today) will appear in the article, "A California Teacher's Formal Complaint." in the April 1998 edition of *READ Perspectives*, published by Transaction Periodicals Consortium for the READ Institute, Amherst, MA.

My focus while testifying, will not only be the failure of bilingual education, but the illegal practices engaged in by the ACSD to satiate the CDE's demand for native-language instruction, in order for ACSD to avoid loss of funding to not only their bilingual program, but other special programs, as well.

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There have been many changes in the Anaheim City School District (ACSD) since I did my student teaching there in 1971, but none has been so detrimental as the proliferation of native-language instruction across the District. While, at present, there are over 30 languages spoken in the classrooms of its twenty-two schools, only Spanish-speaking children are put in native-language instruction. (Liska, in press)

The number of Limited English Proficient (LEP) students have risen from 4,780 in 1987 to 11,833 in 1997, making 60% of the District LEP. As of 1997, a little over 60% of kindergarten students were receiving Spanish instruction; in grades first and second, 60% were also receiving this type of instruction.

From data available in the "Five Year Redesignation History," (Spring 1993 -- Spring 1997), with the majority of the ACSD's schools bilingual, the five year average score yielded only a 4.57% success rate in turning LEP students into Fluent-English Proficient students. (FEP) (Liska, in press)

In the District's seven immersion schools, all classes are conducted in English, using native-language support when necessary, with thirty minutes per day devoted to concentrated English Second Language (ESL) lessons. In the fifteen native-language schools, Spanish-speaking students have thirty minutes per day of ESL, also. But in grades K-2, and often beyond, their reading, spelling, creative writing and sometimes math lessons, are in Spanish, often taught by an instructional assistant. (In theory, the Spanish instruction lessens with the acquisition of English.) The other students in the room have their lessons in English, creating a dual system within each classroom. (Liska, in press)

"At Thomas Jefferson elementary...40 first - and second-graders, two teachers and an aide pack into Room 1, struggling to keep the noise level down in a mix of Spanish and English." (Gittelsohn, *Orange County Register*, 1997, p.1.)

An article about Mann School stated, "There were 28 children sitting on the rug and a teacher would give directions in English and then an aide would repeat it in Spanish." (Chey, *Orange County Register*, 1997, p. M1.)

"There are some areas of agreement by academics. There appears to be general consensus, for instance, that "concurrent translation" -- teaching classes in English while someone translates into the native language -- does not work. Instead of learning English, the student blocks the words out until they are repeated in the language he or she already understands." (Little Hoover Commission Report, 1993, p. 62)

Not only the noise level is of concern, but devoting precious time to language arts in Spanish, the thirty minutes per day of prescribed ESL lessons is not nearly enough for English literacy, as the District's five year average redesignation score clearly shows.

Dr. Barbara Mujica, full professor of Spanish at Georgetown University, writes:

"Even if it is true that reading skills transfer from one language to another (a theory that many studies dispute), why spend hours and hours of classroom time developing these skills in the native language when, once children know some English, it is more productive to teach them directly in that language?" (Mujica, "Irreconcilable Differences: Two Approaches to Educating LEP Students," *READ Perspectives*, Vol. IV-2, Fall 1997, p. 23)

The top ten schools, noted as Spring 1997, for redesignation of students to English-fluent, were represented by five of the seven immersion schools. (Spring 1998- not available) John Marshall, the school where I teach, was one of the five. It was third in the District with a 13.57 percent success rate, and in 1995 it was number one in the District on the California Test of Basic Skills, (CTBS) which measures reading comprehension, spelling, language mechanics, phonemic awareness and math all in English. (Liska, in press)

For the 1996-97 school year, we were in the top four schools in the District on the Terra Nova test of basic skills. (No data yet, as to our ranking within this group, or how many of the immersion schools fell in the top ten.)

Although our principal attributed the 1995 ranking to the fact that we had Gifted and Talented Education classes (GATE) at our school, a cursory look at the classes indicated that there were Limited English students who had been tested. So without further data, one way or the other, this statement by the principal remained to be proved, although it probably held some weight.

In 1981 John Marshall was still a native-language school. But in 1992 we went to immersion and year round. This is when I received some students who were the product of native-language instruction in my third grade room. The students I received did not have a good command of English, could hardly write a creative writing story in English, and were below grade level readers in English because their English fluency, and other English skills, had virtually been delayed since entering kindergarten, because of learning to read, write and spell in Spanish for three years. I had not, up until this time, seen students who were the product of bilingual, so I was rather surprised.

A few years later, when I received the English learners who had immersion from kindergarten, what a difference! They were just like the few I had over the years whose parents had chosen English instruction for them at the kindergarten level. But what made it so wonderful is that I could identify the learning problems because I didn't have to wonder if it was a lack of English language acquisition that was holding them back.

When I have received children from bilingual schools in our district there is always a problem with language arts because these children have not been given enough English Language Development. (ELD). The most striking case concerned a boy who came to me in May of 1997. He had attended one of ACSD's bilingual schools from kindergarten through the end of third grade, and was taught Spanish reading, writing and spelling, basically for four years.

Because it was nearing the end of the school year, I was testing my students on their reading levels. I included him in the testing and was shocked to find out he was reading on a pre-primer level in English after four years of schooling. He was reading in English as if he should have been in a special class for low readers, which may have been true, because he had trouble reading in Spanish, as evidenced by his report card grades. I found out that at his other school he had never been through the School Study Team process, which is a first step to the Resource Specialist Program where lower achieving students can get extra help on a daily basis.

I took my Instructional Assistant with me to interview his mother. She said that her son had been in the U.S. since he was one year old, and that he had been in the bilingual program since kindergarten in our district. When I inquired if she knew she had a choice when she enrolled the boy in school to place him in immersion, she responded that she did not know, but would have chosen English if she had known. I subsequently took her to a School Board meeting with me and presented the Board with her story and my data from the testing results of my whole class. I compared my Spanish-speakers who entered John Marshall in kindergarten and were a "1" (lowest level) on the Language Assessment Scale, with this boy, who also was a "1" at the time he entered kindergarten in his school. The difference in reading and comprehension levels between my students and the boy were very significant.

While he would be reading at a preprimer level entering fourth grade, four of my five comparison Spanish-speaking students would be reading at a 3rd grade level and one at 4th, entering four grade. There is no reason why this boy should not have been either placed in a special class, (should the testing on him proven out) or why he shouldn't have been reading and comprehending higher in English, if he had the opportunity to have immersion.

The Board of Education never took any disciplinary action concerning this illegal placement of a Spanish-speaking student.

In 1997, from data supplied by the ACSD, then compiled and presented to the board by former school board member Harald Martin, showed that those English learners in immersion were 262 percent more times likely to be redesignated to English-fluent, than those students in bilingual. The Board then had a discussion as to why this would be true. After some discussion, finally, Mr. Martin pointed out to them that it was because the other English learners were in immersion and the Spanish-speakers were in bilingual. Board member, Chris Whorton admitted, "If this data is correct, then we aren't doing a very good job of educating our Spanish-speaking English learners." But they still refused to let go of the program.

In an excerpt from the ACSD Education Council Minutes, it is obvious that the ACSD was finally feeling the need to explain their poor redesignation scores:

"The rate of redesignation of LEP to FEP varies among different language groups depending on factors such as previous instruction in another language, years in school parent education, family's socio-economic level, continuous enrollment, and daily attendance. In ACSD, 85% of kindergarten Hispanic students enter at LAS-O Level 1 and 2. Only 46% of the kindergarten students of other languages enter at Levels 1 and 2. As the District continues to enhance its teacher training and programs, redesignation rates can expect to improve. The District's priority goal is to move all LEP students to English fluency and competency as quickly as possible."

With the majority of the District's schools bilingual, it's unfortunate that the "priority goal" was not evidenced from Spring 1993-Spring 1997:

	Average redesignation rate District-wide	Average failure rate District-wide
Spring 1993	2.99%	97%
Spring, 1994	2.77%	97%
Spring, 1995	3.48%	96.5%
Spring, 1996	4.81%	95%
Spring, 1997	8.80%	91%
Fall, 1997	9.84%	90.1%

If we heed recent statements by bilingual advocates that it takes five to seven years for an English learner to fully master English, then should we not see, *each* year of this five year window, a significant jump in redesignation? After all, ACSD has been providing bilingual education since the mid to late seventies.

Because the bulk of the ACSD's schools are bilingual, it would seem logical that each year of this window there would be significant gains in redesignation. Yet, the scores remain rather constant. Spring 1997 is significant because this is when ACSD administration began to focus heavily on the issue of redesignation scores, largely due to the new board member, Harald Martin who is an immersion advocate and, I like to think because of monthly newsletters and a postcard campaign of our grassroots group, *Successful Futures,* which reaches among its 700 -- ACSD teachers, instructional assistants, other district employees, parents and general community members.

In each Spring period, of the seven immersion schools left, those found in the top ten for redesignation are in this ratio: 6:7, 7:7, 6:7, 4:7, and 5:7. This information, coupled with the 262 percent data, gives on pause to wonder why more of the schools in ACSD are not immersion. The answer lies with the funding/loss of funding trail, which leads back to the California Department of Education and its insistence on bilingual education for Spanish speakers.

Bilingual proponents will tell you that the low socio economic status of the English learner affects his/her learning of English, and so they must be educated in their native language. Yet, Dr. Barbara Mujica writes:

"Not only LEP students, but all students, tend to do better when they have parents who are willing and able to help them and can provide the tools they need to succeed. More affluent families are better equipped to supply the intellectual and material supports that enable youngsters to move ahead. But there is no evidence that this must be done in one language or another." (Mujica, *READ Perspectives,* Vol. IV-2, Fall 1997, p.24,25)

"The English Acquisition Program, initiated in 1993, [Bethlehem School District] includes approximately 1,300 students, 86% of whom come from Spanish-speaking homes that are economically disadvantaged." (Mujica, p. 24)

Many school districts across the country have successfully gone from bilingual to immersion with good results. Included among them are Fairfax VA, Newton MA, El Paso, New York, and Seattle, to name a few. Bilingual proponents will tell you these are "de-facto bilingual" programs. This is not true. These programs give English learners English from Day 1.

In the Bethlehem School District, English learners have seventy-five minutes per day of English Language Development and are reaping the rewards with a 24 percent exit rate over a three year period.

As part of the ACSD's School Board's baseline data gathering, all LEP's in the district, eligible for redesignation, were tested in November 1997. The data showed that since Spring 1997 the average redesignation success rate had grown by one percent, district-wide. (Data by school not yet available) At this rate of 1-2 percent growth, by school year, it would take the district seven to fifteen years to approximate the 24 percent average three year exit rate shown by Bethlehem. And how much of the 1 percent growth can be attributed to the immersion schools' contribution?

If it's obvious that the ACSD felt the need to explain their poor redesignation scores, then just as obvious is the string of criticism felt by the district over the funding of LEP's, as evidence by this explanation from minutes of the same meeting.

"School districts receive state EIA-LEP funding for those students identified as Limited English Proficient (LEP). The type of program LEP students are in has nothing to do with LEP funding. It would not be in the district's or students' best interest to keep students in a LEP statue to generate funds since that would mean students were showing no progress."

First, no one denies that in *theory* "the type of program LEP students are in" has anything to do with the LEP funding. But from evidence presented in my full manuscript, one can see that if a student is not in a bilingual program, the State Department of Education's Bilingual Compliance Division and the Comité de Padres, will make life quite miserable for the district with threats to cut off funding. Therefore, for all practical purposes, bilingual is "mandatory", if a district wants to keep in the good financial graces of these two entities.

Second, between kindergarten and sixth grade an average LEP student can show progress on the Language Assessment Scale, and progress through the English fluency levels from 1-5 because they are tested every year to see the progress in their oral English skills. An LEP student, entering in kindergarten, who progresses only one level every two years, could still be a "4" by the end of sixth grade, and perhaps even a "5," if even a few "plus points" from the test are earned. Thus, the student will still show "progress", until they hit the high point, but will still be considered LEP, unless they pass the redesignation test. If a child has been in a bilingual class from kindergarten through second grade, with only thirty minutes per day of concentrated English Language Development, the data (262 percent) shows that they are not as apt to pass the redesignation test as soon as a student in an immersion program.

Comparing data on the "Oral English Acquisition Levels" (LAS-O) chart and the "Language Fluency Status Across Grade Levels" chart, it is clear that the Language Fluency Status, i.e. redesignation to FEP, lags far behind LAS-O levels in sixth grade, when one would suppose redesignation would be at its highest, thus supporting the contention that students can show growth, but still not be redesignated.

So, even if transitioning Spanish speakers are receiving English instruction, as they progress to grade three and on through six, they are not passing the redesignation test in significant numbers. If they cannot be classified English fluent, and it they are allowed to continue in this vane, when they reach high school, they will be ineligible for college prep classes, because they have not been reclassified to FEP.

Therefore, it is possible to show growth by gaining one level for each year, or even two years of school, and still have students classified as LEP. Thus, the ACSD continues to receive funding for them. So, while it is not in the children's best interest "to keep students in an LEP status", it is in the District's best "monetary" interest, and "growth" has very little to do with it. Therefore this argument from the Education Council Minutes is misleading as well as spurious.

Basically, districts are paid to be unsuccessful in creating Fluent English students. Harald Martin best explained this phenomena in his 1997 article:

"Over the last three years there was an average of 89,217 kids that were in some type of LEP program. (Dept. of Education R30-LC Reports)...Only 3.96% of students...are being redesignated each year. In other words, 96.04% don't get redesignated...Funding for bilingual programs is based on the number of children that are in the program. The more kids in the program, the more money schools get to administer the program, provide training, hire additional personnel, etc., etc., etc. However, when they have done their job and have redesignated an LEP child to the FEP status, funding stops. If there was every a disincentive to make a system work,

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this is it...The bilingual education system is designed to reward failure and to punish achievement. it is no wonder that the system does not provide any meaningful results." (Martin, *California Political Review*, "Rewarded for Failure: California's Bilingual Education," pp. 19, 20)

As well as having a bilingual program, which failed to create a significant number of English fluent students, the ACSD was violating state and federal law. In a formal complaint I filed against the ACSD I cited three areas in which they were in violation of the law:

(1) The district fails to have a procedure to insure that each parent knows the bilingual program is voluntary and that it can be waived for their child.

"(b) Prior to the initial enrollment of any pupil of limited English proficiency, fluent English proficiency, or pupil whose primary language is English in any program authorized pursuant to subdivision...of Education code Section 52163, the governing board of the school district in which the pupil resides shall notify by mail or in person the parent, parents, or guardian of the pupil of the fact that their child or ward will be enrolled in a program of bilingual education." (Code of Regs., Sec. 4308, p. 45)

(2) Restriction of teachers from informing parents of their right to waive the bilingual program for their children and that it is a voluntary program.

(3) Use of school administrators to persuade and coerce parents of Spanish-speakers back into bilingual, even though the parent had brought a note requesting English immersion for their child.

After filing my complaint, in April 1996, I was instructed by Dennis Roberson, Title V Complaint Officer for ACSD, that I should have an "addendum to the complaint," so that if he, or the mediator needed to investigate they would have some data. (This "investigation" never happened, even though there was more than adequate evidence, so that an investigation *should* have taken place.)

I had two weeks to gather evidence for the addendum I didn't think I would be able to get teachers to come forward, so intimidated were they over this whole issue. One teacher told me, "I'd like to give you an incident, but I'm the sole support of my family." Another teacher said, "I admire what you are doing, but be careful; these are vindictive people." (referring to administration)

But in the end, surprisingly enough, I had a thirteen page addendum with twenty four incidents of illegalities. Nine bilingual schools in the district were named, as well as over a half dozen administrators who had either quoted as "District policy" the restriction of teachers to inform, or themselves had engaged in questionable students placement into the bilingual program.

As instructed y the mediator, I sent The ACSD Board of Education the complaint and the addendum. I asked for the dismissal or demotion of those administrators involved. They did nothing.

At one point in the mediation, Deputy Superintendent, Dr. Mary Ellen Blanton, made the mistake of insisting that no one at the District level had encouraged, or ordered school administrators to persuade and coerce parents out of English, or to restrict teachers from informing parents of their rights.

I replied, "Well, someone told them to do it because the addendum shows very clearly that it was District-wide policy. And I guarantee that if you give me an empty room down here, [ACSD offices] a telephone, access to parents, a translator and a few days, I'll find four thousand parents for you this year alone, who were never apprised of their rights." (Liska, in press)

Total silence at their end of the table. And never once did my lawyer and I see the addendum on the table.

I had calculated from the R30-LC (Language Census) forms that over a seven year period 12,852 Spanish speakers had been put into bilingual programs in the ACSD, virtually without a choice being given to their parents. (Liska, in press) That number did not even take into consideration the Fluent English (FEP) and English Only (EO) speakers who were also put into bilingual without prior consent (Code of Regs., Sec. 4308, p.45)

Lawyer, Patrick Manshardt of the *Individual Rights Foundation* represented me at mediation. But there was little he could do for me because I could not sue ACSD in the name of the parents and parents were afraid to come forward to complain.

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One Spanish speaking parent whom I interviewed, stated in her written summation, "I think the parents are afraid to complain because of retaliation against the children. I have heard people's comments."

When all was said and done, the ACSD watered down the three letters/forms mediated that were to go to teachers, administrators and parents informing them of their rights, and completely negated a script that was to be primarily used by school administrators to keep them from further persuading and coercing parents out of English immersion for their children. Although administration said my lawyer and I could see the forms, they never sent them to us and they were disseminated before we could check them.

In a letter dated August 8, and sent to ACSD's Ed Council, the anonymous teacher complained that teachers at their school still did not know what the proper role for them was as far as informing parents of their rights:

"To Whom It May Concern:

There is confusion in my workplace on placement of students in reading programs. In June of this year the language arts task force stated the following in a written report:

"All parents of English language learner students are entitled to be fully aware of program choices for their child."

The report goes on to explain parents' rights in making the decision of placement in English or Spanish reading, having program alternative explained, and questions answered concerning a student's placement. The report also makes reference to written descriptions available to parents concerning program alternatives.

The problem is written descriptions of program choices are not being made available to parents. In speaking with other teachers in the district this problem is not limited to my school. Without written communication being enforced the parents rely on verbal advice. The question I have is to whom does the responsibility of providing this advice fall upon? As recently as this week, our "weekly bulletin" stated, "If parents have questions about redesignation or transition of their child to English, refer them to the office and we will handle it."

Two days ago, August 6 , in a staff meeting, teachers were directed by administrators not to "initiate" questions concerning placement of students in programs with parents. If parents are not provided the written alternatives available and teachers are not to initiate conversation regarding the issue, how is it the parents are being informed?" (Concerned Teacher, personal communication, August 8, 1996)

Please note the date on the letter It is after the time that the mediation letter agreed upon was to be in place. The ACSD still wished to control the situation, by not letting teachers inform, or let parents know their true choices of programs for their children.

This is the same school where, because of the principal's insistence that no child be placed in immersion, even at their parents' request, (testimony of two teachers in the addendum) we find that over a three year period there were only 17 students redesignated to English-fluent in a school that had 800 students per year, 80% of whom were Spanish-speakers.

I had, before, during and/or after the mediation, written to Allan Keown, Leroy Hamm (Bilingual Compliance Division of the California Department of Education) and the Office of Civil Rights (OCR) trying to get someone to reinstate and secure the civil rights of the Spanish speaking parents in our district. I wrote to the OCR three times. The last time giving them interviews I had done with parents who had been denied their right of choice or talked out of it, as well as sending them the addendum to the complaint. Still, they would do nothing and informed me they were closing my file.

In July 1997, I received Allen Keown's ruling on my rebuttal to the district's response to my appeal of the mediation:

"I do not see any legal basis for it [the mediation agreement] to be altered by the State Superintendent of Public Instruction. Hence, you should consider this letter to be the final administrative action under Title 5's Uniform Complaint Procedures. In other words, from our point of view, you have now exhausted all of your administrative remedies and should feel free, if you so choose, to take your complaint to the judicial system." (A. Keown, personal communication, August 12, 1997) (Liska, in press)

The Big Picture

In an article by Charles L. Glenn, with an Introduction and Foreward by Rosalie Pedalino Porter, we find information from the National Research Council's study funded by the U.S. Department of Education and several private foundations at an estimated cost of $500,000 and released in 1997:

"The panel of twelve scholars that produced this study, led by Professor Kenji Hakuta of Stanford University and Dr. Diane L. August of the National Academy of Sciences, represents a group generally acknowledged to be favorable to bilingual education. To their credit, the panel reaches conclusions that do not support the maintenance of bilingual education's the most effective approach for educating language minority children." (Porter, "Introduction," *READ Perspectives*, Vol. IV-2, Fall 1997, p. 4)

"Glen points out what this study actually accomplishes. In its honest appraisal of the field, this study demolishes the myths on which bilingual education is based. While the NRS study treads very gently around each one of the following conclusions, it in fact directly contradicts what has been bilingual education dogma for years:

- There is no evidence yet that there will be long-term advantages or disadvantages to teaching limited-English students in the native language.
- Teaching children to read in English first, instead of in the native language, does not have negative consequences.
- Emphasizing cultural and ethnic differences in the classroom is counterproductive--it leads to stereo-typing, reinforces the differences from majority children, and does not lead to better self-esteem for language minority children.
- There is no research support for the idea that teachers who are themselves members of minority groups are more effective than others who work with children from those same groups.
- The U.S. Department of Education's management of bilingual education research has been a total failure: wasting hundreds of millions of dollars; using the research agenda for political purposes to justify a program that has not proven its worth; and not making its research available

to the educators who could use it to improve their school programs." (Porter, "Foreward," in "What Does the National Research Council Study Tell Us About Educating Language Minority Children? by Charles L. Glenn, *READ Perspectives*, Vol. IV-2, Fall, 1997, pp. 66,67.)

"I believe it is cruelly demeaning to the large populations of indigenous and immigrant Spanish-speakers in the United States to proclaim by policy and practice that, despite all the *special help* [italics added] available to them that was not given to earlier immigrant groups, they are the only group that cannot be educated in English. That view is patronizing and unworthy of educators and citizens alike." (Porter, *Forked Tongue: The Politics of Bilingual Education*, 2nd Ed., 1996, p. 84)

The subcommittee asks me if bilingual works. My answer is: *Not only does bilingual not work, it* ***unnecessary,*** *in light of the school districts switching to immersion to serve their Spanish speaking students with great success. Perhaps most shameful of all, it has spawned some of the worst illegal practices in the education community seen in two decades or more, and sad to say, my school district-ACSD- is living proof of that.*

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